



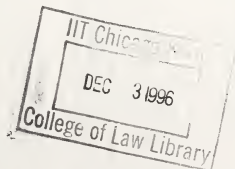
1996

Illinois Register

Rules of Governmental Agencies

Volume 20, Issue 48 — December 02, 1996

Pages 15130 - 15412



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Administrative Code Div.
111 East Monroe Street
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published by

George H. Ryan
Secretary of State

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Editor's Note: The Cumulative Index and Sections Affected Index will be
printed on a quarterly basis. The printing schedule for the quarterly and
annual indexes are as follows:
April 19, 1996 - Issue 16: Through March 31, 1996
July 19, 1996 - Issue 23: Through June 30, 1996
October 18, 1996 - Issue 42: Through September 30, 1996
January 17, 1997 - Issue 3: Through December 31, 1996 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1996

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996	June 25, 1996	July 2, 1996	28	July 12, 1996
Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996	July 2, 1996	July 9, 1996	29	July 19, 1996
Jan. 2, 1996	Jan. 9, 1996	3	Jan. 19, 1996	July 9, 1996	July 16, 1996	30	July 26, 1996
Jan. 9, 1996	Jan. 16, 1996	4	Jan. 26, 1996	July 16, 1996	July 23, 1996	31	Aug. 2, 1996
Jan. 16, 1996	Jan. 23, 1996	5	Feb. 2, 1996	July 23, 1996	July 30, 1996	32	Aug. 9, 1996
Jan. 23, 1996	Jan. 30, 1996	6	Feb. 9, 1996	July 30, 1996	Aug. 6, 1996	33	Aug. 16, 1996
Jan. 30, 1996	Feb. 6, 1996	7	Feb. 16, 1996	Aug. 6, 1996	Aug. 13, 1996	34	Aug. 23, 1996
Feb. 6, 1996	Feb. 13, 1996	8	Feb. 23, 1996	Aug. 13, 1996	Aug. 20, 1996	35	Aug. 30, 1996
Feb. 13, 1996	Feb. 20, 1996	9	Mar. 1, 1996	Aug. 20, 1996	Aug. 27, 1996	36	Sept. 6, 1996
Feb. 20, 1996	Feb. 27, 1996	10	Mar. 8, 1996	Aug. 27, 1996	Sept. 3, 1996	37	Sept. 13, 1996
Feb. 27, 1996	Mar. 5, 1996	11	Mar. 15, 1996	Sept. 3, 1996	Sept. 10, 1996	38	Sept. 20, 1996
Mar. 5, 1996	Mar. 12, 1996	12	Mar. 22, 1996	Sept. 10, 1996	Sept. 17, 1996	39	Sept. 27, 1996
Mar. 12, 1996	Mar. 19, 1996	13	Mar. 29, 1996	Sept. 17, 1996	Sept. 24, 1996	40	Oct. 4, 1996
Mar. 19, 1996	Mar. 26, 1996	14	Apr. 5, 1996	Sept. 24, 1996	Oct. 1, 1996	41	Oct. 11, 1996
Mar. 26, 1996	Apr. 2, 1996	15	Apr. 12, 1996	Oct. 1, 1996	Oct. 8, 1996	42	Oct. 18, 1996
Apr. 2, 1996	Apr. 9, 1996	16	Apr. 19, 1996	Oct. 8, 1996	Oct. 15, 1996	43	Oct. 25, 1996
Apr. 9, 1996	Apr. 16, 1996	17	Apr. 26, 1996	Oct. 15, 1996	Oct. 22, 1996	44	Nov. 1, 1996
Apr. 16, 1996	Apr. 23, 1996	18	May 3, 1996	Oct. 22, 1996	Oct. 29, 1996	45	Nov. 8, 1996
Apr. 23, 1996	Apr. 30, 1996	19	May 10, 1996	Oct. 29, 1996	Nov. 4, 1996 (Mon.)	46	Nov. 15, 1996
Apr. 30, 1996	May 7, 1996	20	May 17, 1996	Nov. 4, 1996	Nov. 12, 1996	47	Nov. 22, 1996
May 7, 1996	May 14, 1996	21	May 24, 1996	Nov. 12, 1996	Nov. 19, 1996	48	Dec. 2, 1996 (Mon.)
May 14, 1996	May 21, 1996	22	May 31, 1996	Nov. 19, 1996	Nov. 26, 1996	49	Dec. 6, 1996
May 21, 1996	May 28, 1996	23	June 7, 1996	Nov. 26, 1996	Dec. 3, 1996	50	Dec. 13, 1996
May 28, 1996	June 4, 1996	24	June 14, 1996	Dec. 3, 1996	Dec. 10, 1996	51	Dec. 20, 1996
June 4, 1996	June 11, 1996	25	June 21, 1996	Dec. 10, 1996	Dec. 17, 1996	52	Dec. 27, 1996
June 11, 1996	June 18, 1996	26	June 28, 1996	Dec. 17, 1996	Dec. 23, 1996 (Mon.)	1	Jan. 3, 1997
June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

ILLINOIS COMMUNITY COLLEGE BOARD
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Administration of the Illinois Public Community College Act

2) Code Citation: 23 Ill. Adm. Code 1501

3) Section Numbers: Proposed Action:
1501.402 Amendment
1501.507

4) Statutory Authority: 110 ILCS 805/2-12 (Powers and Duties of State Board)

5) A Complete Description of the Subjects and Issues Involved: These rule revisions would change the ICCC policy on the funding of dual enrollment courses. To allow ICCC funding for courses that include the following: for courses that include both occupational/vocational and transfer courses, but exclude Adult Basic Education, Adult Secondary Education, English as a Second Language, and remedial/developmental courses.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
1501.102	Amended	20 Ill. Reg. 14964, November 22, 1996
1501.501	Amended	20 Ill. Reg. 11527, August 30, 1996
1501.501	Amended	20 Ill. Reg. 14674, November 15, 1996
1501.519	Amended	20 Ill. Reg. 14674, November 15, 1996
1501.520	Amended	20 Ill. Reg. 11527, August 30, 1996
1501.604	Amended	20 Ill. Reg. 14353, November 8, 1996
1501.608	Amended	20 Ill. Reg. 14353, November 8, 1996

10) Statement of Statewide Policy Objectives (if applicable): Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Jill O'Shea
Director for Governmental Relations
Illinois Community College Board
509 South Sixth Street, Suite 400
Springfield, IL 62701-1874

ILLINOIS COMMUNITY COLLEGE BOARD
NOTICE OF PROPOSED AMENDMENTS

(217) 785-0213

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis: The Illinois Community College Board has determined that this rulemaking will not affect small business.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent regulatory agendas because: It was not anticipated at the time of the most recent regulatory agendas.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section

- 1501.101 Definition of Terms
- 1501.102 Advisory Groups
- 1501.103 Rule Adoption (Recodified)
- 1501.104 Manuals
- 1501.105 Advisory Opinions
- 1501.106 Executive Director
- 1501.107 Information Request (Recodified)
- 1501.108 Organization of ICCB (Recodified)
- 1501.109 Appeals at ICCB Meetings
- 1501.110 Appeal Process
- 1501.111 Reporting Requirements (Repealed)
- 1501.112 Certification of Organization (Repealed)
- 1501.113 Administration of Detachments and Subsequent Annexations
- 1501.114 Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section

- 1501.201 Reporting Requirements
- 1501.202 Identification of Organization
- 1501.203 Maintenance of Facilities
- 1501.204 Maintenance of Documents or Information
- 1501.205 Recognition Standards (Repealed)

SUBPART C: PROGRAMS

Section

- 1501.301 Definition of Terms
- 1501.302 Units of Instruction, Research, and Public Service
- 1501.303 Program Requirements
- 1501.304 Academic and Regional Planning
- 1501.305 College Budgets and Extension Centers
- 1501.306 State or Federal Institutions (Repealed)
- 1501.307 Cooperative Agreements and Contracts
- 1501.308 Reporting Requirements
- 1501.309 Course Classification and Applicability

SUBPART D: STUDENTS

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

- 1501.401 Definition of Terms
- 1501.402 Admission of Students
- 1501.403 Student Services
- 1501.404 Academic Records
- 1501.405 Student Evaluation
- 1501.406 Reporting Requirements

SUBPART E: FINANCE

Section

- 1501.501 Definition of Terms
- 1501.502 Financial Planning
- 1501.503 Audits
- 1501.504 Budgets
- 1501.505 Nonresident Student Tuition Calculations
- 1501.506 Published Financial Statements
- 1501.507 Credit Hour Grants
- 1501.508 Special Populations Grants
- 1501.509 Workforce Preparation Grants
- 1501.510 Reporting Requirements
- 1501.511 Capital Grants
- 1501.512 Business Assistance Grants (Repealed)
- 1501.513 Advanced Technology Equipment Grants
- 1501.514 Capital Renewal Grants
- 1501.515 Retirees Health Insurance Grants
- 1501.516 Uncollectible Debts

SUBPART F: CAPITAL PROJECTS

Section

- 1501.601 Definition of Terms
- 1501.602 Applied Capital Projects
- 1501.603 State Funded Capital Projects
- 1501.604 Locally Funded Capital Projects
- 1501.605 Project Changes
- 1501.606 Progress Reports (Repealed)
- 1501.607 Reporting Requirements
- 1501.608 Approval of Projects in Section 3-20.3.01 of the Act
- 1501.609 Completion of Projects Under Section 3-20.3.01 of the Act
- 1501.610 Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

Section

- 1501.701 Definitions of Terms
- 1501.702 Applicability
- 1501.703 Recognition

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

1501.704 Programs
1501.705 Finance
1501.706 Personnel
1501.707 Facilities

SUBPART H: PERSONNEL

Section
1501.801 Definition of Terms
1501.802 Sabbatical Leaves

APPROVED: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act (110 ILCS 805/Arts. II and III and 6-5.3).

SOURCE: Adopted at 6 111. Reg. 14262, effective November 3, 1982; codified at 7 111. Reg. 2322; amended at 7 111. Reg. 16118, effective November 22, 1983; Sections 1501.403, 1501.107 and 1501.108 reclassified to 2 111. Adm. Code 5175 at 8 111. Reg. 6032; amended at 8 111. Reg. 14262, effective July 25, 1984; amended at 8 111. Reg. 19383, effective September 28, 1984; emergency amendment at 8 111. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 111. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 111. Reg. 3691, effective March 13, 1985; amended at 9 111. Reg. 9470, effective June 11, 1985; amended at 9 111. Reg. 16813, effective October 21, 1985; amended at 10 111. Reg. 3612, effective January 18, 1986; amended at 10 111. Reg. 14659, effective February 22, 1986; amended at 11 111. Reg. 7606, effective April 6, 1987; amended at 11 111. Reg. 18150, effective October 27, 1987; amended at 12 111. Reg. 6660, effective March 25, 1988; amended at 12 111. Reg. 15973, effective September 23, 1988; amended at 12 111. Reg. 16699, effective September 23, 1988; amended at 12 111. Reg. 16691, effective November 15, 1988; amended at 13 111. Reg. 11182, effective January 13, 1989; amended at 13 111. Reg. 14904, effective September 12, 1989; emergency amendment at 14 111. Reg. 239, effective November 9, 1989; for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 111. Reg. 4126, effective March 1, 1990; amended at 14 111. Reg. 10762, effective June 25, 1990; amended at 14 111. Reg. 11771, effective July 9, 1990; amended at 14 111. Reg. 13997, effective August 20, 1990; amended at 15 111. Reg. 19929, effective July 11, 1991; amended at 16 111. Reg. 12445, effective July 24, 1992; amended at 16 111. Reg. 17621, effective November 6, 1992; amended at 17 111. Reg. 1853, effective February 2, 1993; expedited correction at 18 111. Reg. 3027, effective August 20, 1990; amended at 18 111. Reg. 1633, effective February 9, 1993; amended at 19 111. Reg. 20679, effective February 9, 1993; amended at 19 111. Reg. 2816, effective February 21, 1995; amended at 19 111. Reg. 7515, effective May 26, 1995; amended at 21 111. Reg. _____, effective _____.

SUBPART D: STUDENTS

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1501.402 Admission of Students

- a) Students Whose Connection With a Secondary School is Severed. Any student who is 16 or 17 years of age and has severed connection with a secondary school, as certified in writing by the chief executive officer of the secondary school in which the student has legal residence, is eligible to attend a college in accordance with policies of the Board. Courses taken by such students are eligible for ICCB grants.
- b) Students Currently Enrolled in a Secondary School Program. Students currently enrolled in a secondary school program may be accepted into a college course(s), if such courses are offered during the regular school year established by the secondary school or are offered for school credit through a correspondence program approved by the chief executive officer of the secondary school must be received. ~~The credits from such college courses may not receive both State Board of Education and ICCB grants.~~
- c) Admission of Students in Programs for Special Groups. Students shall be admitted to instructional programs supported by State state funds for which they are otherwise qualified without regard to race, religion, sex, ethnic origin, or membership in any profession, group, organization, or association.

- 1) Designating Specific Sections. Course enrollments shall be open to those individuals identified in this subsection [c] Section 1501.402(e)-above. However, the nature of the instructional unit may make it desirable to offer specific sections for students with certain common backgrounds, experiences, and future aspirations.
- 2) Organizational Standards Not Applicable. While it is recognized that certain organizations, groups, fraternities and associations have standards which must be met to become employed in a particular field, such standards shall not be applicable to the continuing participation of students in college courses receiving ICCB grants.

(Source: Amended at 21 111. Reg. _____, effective _____)

SUBPART E: FINANCE

Section 1501.507 Credit Hour Grants

- a) Claims. Claims for credit hours shall be submitted within thirty (30) days after the end of each term on forms provided by the ICCB. Course Requirements. Students who are eligible for credit hour grants shall satisfy the following requirements:
- 1) Courses shall be offered for the number of credit hours for which they are approved by the ICCB.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) Courses which have variable credit hours shall be claimed in specified increments only up to the maximum credit value approved for the course.
- 3) Course data shall be posted to the permanent academic record of each student claimed.
- 4) Courses shall be a part of units of instruction which have been approved by the ICCB, or the courses must be authorized extensions of existing units of instruction.
- 5) Courses shall have specific written objectives.
- 6) The course outline shall be available for review by any student or citizen.
- 7) Courses shall have a method of evaluating student performance which follows the adopted college grading system.
- 8) Courses shall follow the adopted college policies on student tuition.
- 9) The following categories of physical education courses shall be the only ones to produce eligible credit hours:
 - A) Elective physical education courses;
 - B) Required courses for majors and minors in physical education and related programs;
 - C) Physical education courses in teacher education programs as required by the State Teachers Certification Board.
- 10) Courses shall produce a maximum rate of one (1) semester credit hour or equivalent per week. Requests for exceptions to this requirement part may be submitted to the ICCB. The criteria utilized by the ICCB for exceptions shall include:
 - A) documentation of need for an intensified or accelerated schedule;
 - B) student population identified with testing and/or screening procedures;
 - C) how courses are instructed, including schedule of classes, study time allotted for students, method of instruction and how students are evaluated;
 - D) time period of instructional activity and projected termination date;
 - E) procedures to evaluate the accelerated instructional activity.

11) Courses offered by the college for high school students during the regular school year at the secondary school shall be claimed as high school credit. Courses offered for Community College Courses Offered in Secondary Schools.

- c) Student Requirements. The following requirements shall apply to students who generate credit hours eligible for ICCB grants:
 - 1) Students shall be certified by their instructors as being in attendance at mid-term by including a certification statement on the mid-term class roster, signed and dated by the instructor.
 - 2) Students who complete a course with a passing grade by the end of the term and who were not certified as being in attendance at

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

- mid-term by the instructor shall be considered as having been in attendance at mid-term.
- 3) Students enrolled in variable entry/variable exit classes or short-term classes of less than eight weeks may be certified by their instructors as having been in attendance at mid-term by including a certification statement on the final class roster, signed and dated by the instructor.
- 4) Students shall be residents of the State of Illinois.
- 5) Credit hours earned in a course shall not produce eligible credit hours.
- 6) Students who repeat enrollment in a course shall produce credit hours eligible for ICCB grants when one of the following conditions is met:
 - A) If the student completed the course the first time of enrollment with less than a grade of C (or equivalent) and if the student was claimed for credit hour grant funding, the student may enroll and be claimed in the course one additional time, or
 - B) If the student was claimed for credit hour grant funding, withdrew before completing the course, and if the student was claimed for credit hour grant funding, the student may enroll and be claimed in the course one additional time, or
 - C) If a student completed the course previously and was claimed for credit hour grant funding, the student may be claimed for retaking the course if the student uses his/her option to retake the course tuition free under the college's educational guarantee program, or
 - D) If the last time the student completed the course was at least two years previously, the student may be claimed for credit hour grant funding if the student repeats the course to upgrade his/her skills in that area, or
 - E) If a course has been approved by the ICCB to be repeated, the student may repeat the course and be claimed as often as approved by the ICCB.
- d) Exceptions. The following credits will not be eligible for ICCB credit hour grants:
 - 1) Credit by examination;
 - 2) Military service credit for physical education;
 - 3) Transfer of credit earned at other institutions or in the armed forces;
 - 4) Proficiency examinations;
 - 5) Advanced placement credits;
 - 6) Other methods of program acceleration which do not include instruction.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois List of Endangered and Threatened Fauna

2) Code Citation: 17 Ill. Adm. Code 1010

Section Numbers:	Proposed Action:
1010.25	Amendment
1010.30	Amendment

4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

5) A Complete Description of the Subjects and Issues Involved: This Part was amended to update the statutory citation in Section 1010.25 and to remove the Cooper's Hawk from the list of Endangered Birds of Illinois in Section 1010.30.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

ll) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses, small municipalities or not for profit corporations.

23) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department did not anticipate amending this Part when the last two Regulatory Agendas were submitted.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER C: ENDANGERED SPECIES

PART 1010
ILLINOIS LIST OF ENDANGERED AND THREATENED FAUNA

Section	Official List Definitions Criteria Used for Listing List
1010.10	
1010.20	
1010.25	
1010.30	

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

SOURCE: filed December 21, 1977, effective December 31, 1977; codified at 51 Ill. Reg. 10653; amended at 8 Ill. Reg. 13705, effective July 25, 1984; amended at 13 Ill. Reg. 4179, effective March 17, 1989; amended at 16 Ill. Reg. 103, effective December 20, 1991; amended at 18 Ill. Reg. 1134, effective January 18, 1988, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 1000, effective January 1, 1995.

Section 1010.25 Criteria Used for Listing

a) A species shall be included on the Official List when one or more of the following criteria exists:

- 2) Species proposed for Federal Endangered or Threatened status which occur in Illinois.
- 3) Species which formerly were widespread in Illinois but have been nearly extirpated from the State due to habitat destruction, collecting, or other pressures resulting from the development of Illinois.
- 4) Species which exhibit very restricted geographic ranges of which Illinois is a part.
- 5) Species which exhibit restricted habitats or low populations in Illinois.
- 6) Species which are significant disjuncts in Illinois, i.e., the Illinois population is far removed from the rest of the species' range.
- a) Species will be removed from the Official List if it no longer fulfills one or more of the criteria in subsection (a), except for a species that no longer fulfills the criteria because it no longer inhabits Illinois. The determination will be made pursuant to Section 7 of the Endangered Species Protection Act (4310-1987-1991-ehr

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Long-eared Owl
 Short-eared Owl
 Asio flammeus
 Thymonastes bewickii
 Swainson's Warbler
 Limothlypis swainsonii
 Bachman's Sparrow
 Aimophila aestivalis
 Henslow's Sparrow
 Ammodramus henslowii
 Yellow-headed Blackbird
 Xanthocephalus xanthocephalus

f) ENDANGERED BIRDS OF ILLINOIS

Pied-billed Grebe
 Double-crested Cormorant
 Great Egret
 Yellow-crowned Night Heron
 Common Moorhen
 King Rail
 Brown Creeper
 Veery
 Loggerhead Shrike

g) ENDANGERED MAMMALS OF ILLINOIS

Southeastern Myotis
 Gray Bat**
 Indiana Bat**
 Rafinesque's Big-eared Bat
 Silver Otter
 Eastern Wood Rat

h) THREATENED MAMMALS OF ILLINOIS

Bobcat
 Golden Mouse
 Rice Rat

i) ENDANGERED INVERTEBRATE ANIMALS OF ILLINOIS

Shells
 Iowa Pleistocene Snail**
 Mussels

Cumberlandia monodonta
 Alasmidonta viridis
 Simpsonia ambigua
 Quadula cylindrica
 Pleurobema cooperianus
 Pleurobema cyprius
 Pleurobema emarginatum
 Pleurobema cordatum

DEPARTMENT OF NATURAL RESOURCES

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Pyramid Pigtoe
 Kippureshell
 Kippureshell
 Cyrenoida stearnsi
 Obolva subrotunda
 Potamilus capax
 Toxolasma lividus
 Villosa fabalis
 Villosa iris
 Villosa lienosa
 Lampsilis fasciola
 Lampsilis higginsii
 Epiloblasma propinqua
 Epiloblasma triquetra

Cuscutaceans
 Anomalous Spring Amphipod
 Appalachian Valley Cave

Amphipod
 Pockett's Cave Amphipod
 Illinois Cave Amphipod
 Iowa Amphipod

Indiana Crayfish
 Kentucky Crayfish
 Oxbow Crayfish
 Crayfish

Isopod
 Dragonflies
 Hine's Emerald's Dragonfly

Leafhoppers
 Butterflies and Moths
 Eryngi

Acridid Skipper
 Hoary Elfie
 Karner Blue Butterfly**
 Swamp Metalmark

Butterflies and Moths
 Acridid Skipper
 Hoary Elfie
 Karner Blue Butterfly**
 Swamp Metalmark

Butterflies and Moths
 Acridid Skipper
 Hoary Elfie
 Karner Blue Butterfly**
 Swamp Metalmark

j) THREATENED INVERTEBRATE ANIMALS OF ILLINOIS

Mussels

Ebonyshell
 Elephant-ear
 Spike

Butterfly mussel
 Cuscutaceans

Bousfield's Amphipod
 Dragonflies
 Elfin Skimmer

Fusconia ebena
 Elliptio crassidens
 Elliptio dilatata
 Ellipsaria lineolata

Gammarus bousfieldi
 Nannothemis bella

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Leafhoppers
 Redwinged Blackbird
 Redwinged Blackbird
 Cowbird Skipper
 Otter Skipper

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys - Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3) Section Numbers: Proposed Action:
 710.10 Amendments
 710.30 Amendments
 710.50 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ICS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to this Part open Grundy, Henry, LaSalle and Warren counties to spring wild turkey hunting. Six new State-owned or -managed areas will be open to hunting. These six areas include Ferne Clyffe State Park, Cedar Draper Bluff Hunting Area, Horseshoe Lake Conservation Area (Alexander County), East Conant, Ferne Clyffe Hunting Area, Little Vermilion River Natural Area, and Sato.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
 No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
 Department of Natural Resources
 524 S. Second Street
 Springfield, IL 62701-1787
 217/782-1809

12) Initial Regulatory Flexibility Analysis: These amendments do not effect small businesses, small municipalities or not for profit corporations.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTSTITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENTPART 710
THE TAKING OF WILD TURKEYS - SPRING SEASON

Section

- 710.5 Hunting Seasons
710.10 Statewide Turkey Permit Requirements
710.20 Turkey Permit Requirements - Special Hunts (Renumbered)
710.22 Turkey Permit Requirements - Landless/Tenant Permits
710.25 Turkey Permit Requirements - Special Hunts
710.30 Turkey Hunting Regulations
710.40 Other Regulations (Repealed)
710.50 Regulations at Various Department Owned or Managed Sites
710.60 Releasing or Stocking of Turkeys

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 3663, effective April 16, 1984; amended at 9 Ill. Reg. 6006, effective April 16, 1985; amended at 10 Ill. Reg. 6849, effective April 16, 1986; amended at 11 Ill. Reg. 2257, effective January 20, 1987; amended at 12 Ill. Reg. 4342, effective March 6, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. _____, effective _____.

Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

1st Season: Monday, April 14 to Friday, April 18, 1997
1997-1998
2nd Season: Saturday, April 19 to Thursday, April 24,
1997 1998-1999

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- 3rd Season: Friday, April 25 26 - Friday, May 2, 1997 37
1996
- 4th Season: Saturday, May 3 4 - Wednesday, May 14, 1997 457
1996
- b) Southern Zone Season: 1996
- 1st Season: Monday, April 7 8 - Friday, April 11, 1997 127
1996
- 2nd Season: Saturday, April 12 13 - Thursday, April 17, 1997 187-1996
1997
- 3rd Season: Friday, April 18 19 - Friday, April 25, 1997
267-1996
- 4th Season: Saturday, April 26 27 - Wednesday, May 7, 1997
87-1996

c) Open Counties:

NORTHERN ZONE
Adams
Brown
Bureau
Calhoun
Carroll
Cass
Clark
Coles
Cumberland
Fulton
Greene
Hancock
Henderson
Henry
Jersey
Jo Daviess
Knox
LaSalle
Lee
Macoupin
Marshall-Putnam
Madison
McDonough
Menard
Mercer
Montgomery
Morgan
Ogle
Peoria
Pike
Rock Island
Schuyler

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Scott
Shelby
Stephenson
Tazewell
Union
Vermilion
Warren
Whiteoak
Winnebago
Woodford
SOUTHERN ZONE
Alexander
Bond
Bond
Clay
Clinton
Crawford
Effingham
Eschscholtz
Espyette
Hamilton
Gallatin-Hardin
Jackson
Jasper
Jefferson
Johnson
Lawrence
Madison
Marion
Menard
Monroe
Montgomery
Pope
Pope
Pulaski
Randolph
Richland
Saline
St. Clair
Union
Washington
Wayne
Williamson

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 710.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait);

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- b) to take any wild turkey except a hen with a visible beard or a gobber (male);
- c) to take, or attempt to take, more than three wild turkeys during the same season, one must have a valid permit for each turkey that is taken;
- d) to use any weapon except a shotgun or bow and arrow. #4 shot is the largest and #7 1/2 is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw; an arrow with a metal barbless broadhead that cannot pass through a 7/8 inch diameter hole is the only legal arrow. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal;
- e) to hunt except from 1/2 hour before sunrise to noon during each day of the season;
- f) for any person having taken the legal limit of wild turkey(s) to further participate with a weapon in any hunting party for the purpose of hunting wild turkeys;
- g) for any person to possess while in the field during wild turkey season any turkey permit issued to another person (permits are non-transferable);
- h) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill and before the turkey is moved, transported or field dressed. The wild turkey shall be taken whole (or field dressed) to the designated check station for the county in which it was killed, or the closest check station, by the hunter in person, by 2:00 P.M. the same day it was killed. It will be checked, tagged and recorded by the Department at the check station;
- i) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.;
- j) for any person to hunt wild turkeys without possessing a Wild Turkey Hunting Permit which shall include the hunter's signature, date of birth, ~~first name~~, ~~number~~, ~~identification number~~, ~~license~~, ~~empty~~, ~~hunting license number~~, ~~empty~~, and ~~physical description~~ recorded on the permit and carried on the person while hunting;
- k) for any person to use a turkey call that imitates sounds made by a turkey or to attempt to call a turkey by making these sounds while in the field from March 15 through the day before turkey season in counties open to turkey hunting.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 710.50 Regulations at Various Department Owned or Managed Sites

- a) Hunters must sign in/sign out at all sites in subsections (b) and (c)

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which are followed by a (1).

- b) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area (1)

Argyle Lake State Park (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Wildlife Management Area

Dog Island Wildlife Management Area (1)

Edrie Cliffs State Park - Cedar Draper Bluff Hunting Area (1)

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only) (1)

Franklin Creek State Park (1)

Giant City State Park (1)

Horseshoe Lake Conservation Area - Alexander County (controlled goose hunting area and public hunting area only)

I-24 Wildlife Management Area (1)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (except for that area lying north of Highway 154, east of the Kaskaskia River, and south of the Risson School Road and Beck's Landing access road) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (Pools 21, 22, 24, 25, 26)

Mississippi River Pools 16, 17 & 18

Oakford Conservation Area

Pere Marquette State Park (designated area only) (1)

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Ray Norbut Fish and Wildlife Area (1)

Rend Lake State Fish and Wildlife Area

Salline County Fish and Wildlife Area (1)

Sanganois Conservation Area

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area - Firing Line Unit and Public Hunting Area Only (1)

Weinberg-King State Park (1)

Wildcat Hollow State Forest (1)

- c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.22a. This permit is only valid for the specific site and season indicated on the permit.

Beaver Dam State Park

Big Bend State Fish and Wildlife Area

Big River State Forest (1)

Castle Rock State Park (1)

Chauncey Marsh

Crawford County Conservation Area

East ConantFerne Clyffe Hunting Area (1)Fern-Elyffe-State-Park-111

Fox Ridge State Park (first 2 seasons only) (1)

Hamilton County Conservation Area

Hidden Springs State Forest (first 2 seasons only) (1)

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Kickapoo State Park (1)

Lake Shelbyville-Corps of Engineers Managed Lands (Shelby County)

Little Vermilion River Natural Area (1)

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Middlefork Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (1)

Newton-Lake-State-Fish-and-Wildlife-Area

Panther Creek Conservation Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park (1)

Ramsey Lake State Park (1)

Randolph County Conservation Area (1)

Red Hills State Park

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sanganois Conservation Area (Squirrel Timber Unit) (1)

Sato

Silcoam Springs State Park (1)

Site M

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

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Witkovsky State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: Horse Health2) Code Citation: 11 Ill. Adm. Code 808

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
808.10	New Section
808.20	New Section
808.30	New Section
808.40	New Section
808.50	New Section
808.60	New Section
808.70	New Section
808.80	New Section
808.90	New Section
808.100	New Section
808.110	New Section
808.120	New Section
808.130	New Section
808.140	New Section

4) Statutory Authority: 230 ILCS 5/9(b)

5) A. Complete Description of the Subjects and Issues Involved: This rulemaking re-organizes, into one Part, all the rules regarding horse health. These rules are applicable to harness and thoroughbred racing. This rulemaking is part of a larger project to re-organize the entire Racing Board rulebook and includes an amendment to the Subchapter title. This proposed Part contains moderately changed rules from the Board's current Parts 1306, 1309, 1313, 1403, 1410, 1415, 1424, and 1431, which will be repealed at a later date. Changes to the proposed rules were limited to grammar. No substantive changes were made with the exception of Section 808.40. This proposal recognizes the Equine Infectious Anemia Test which replaces the Acid (Coggins) Test. The proposals include provisions for State Veterinarians, Reports, Health Certificates, Equipment, Care of Sick Animals, Sanitation and Safety, Needs and Springs and Violations.

6) Will these proposed amendments replace emergency amendments currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporation by reference? No9) Are there any other proposed amendments pending in this Part? No10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaso
Illinois Racing Board Legal Department
100 West Randolph, Ste. 11-100
Chicago, IL 60601
(312) 814-5070.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
B) Regulating, bookkeeping or other procedures required for compliance: None
C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda which this rulemaking was summarized: January 1996

The full text of the proposed rule begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER d: RULES APPLICABLE TO HORSE THOROUGHBRED RACING

PART 808

HORSE HEALTH

Section	
808.10	State Veterinarian
808.20	State Veterinarian's List
808.30	End of the Meet Report
808.40	Equine Infectious Anemia Test
808.50	Health Certificates
808.60	Veterinarian and Trainer Reports
808.70	Clean Equipment
808.80	Handicaps
808.90	Deceased and Sick Horses
808.100	Sanitary, humane and Safety Regulations
808.110	Fill and Mares
808.120	Inspection of Plating
808.130	Hypodermic Needles and Syringes
808.140	Violations

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

Section 808.10 State Veterinarian

The State veterinarians may establish procedures, relative to this part, which shall be followed by all practicing veterinarians at a race track.

Section 808.20 State Veterinarian's List

The State veterinarians shall maintain a veterinarian's list. The name and description of each horse excused because of sickness or disability shall be placed on the State veterinarian's list. No horse whose name is placed on the list shall be permitted to enter a race until its name is removed from the list. Horses' names shall remain on the list at least five calendar days, unless, in the opinion of the State veterinarian, the horse should be removed. A veterinarian listed by the State veterinarian may be required prior to removing a horse's name from the list. The State veterinarians shall report to the State stewards all examinations or inspections of any horse or stable premises under the jurisdiction of the

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- b) Only licensed veterinarians or their licensed employees may have a hypodermic needle or syringe of any kind or an injectable drug on the premises under their custody or control on the grounds of an organization licensee.

Section 808.140 Violations

The State veterinarian shall be consulted about any alleged violations of this Part. The State veterinarian shall investigate and report any violation promptly to the stewards. The stewards may suspend the license of any person violating this Part.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Medication

- 2) Code Citation: 11 Ill. Adm. Code 603

- 3) Section Numbers:
- | | |
|---------|------------------|
| 603.10 | Proposed Action: |
| 603.20 | New Section |
| 603.30 | New Section |
| 603.40 | New Section |
| 603.50 | New Section |
| 603.60 | New Section |
| 603.70 | New Section |
| 603.80 | New Section |
| 603.90 | New Section |
| 603.100 | New Section |
| 603.110 | New Section |
| 603.120 | New Section |
| 603.130 | New Section |
| 603.140 | New Section |
| 603.150 | New Section |
| 603.160 | New Section |
| 603.170 | New Section |

- 4) Statutory Authority: 230 ILCS 5/9(b)

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking reorganizes the rules contained in Part 509. This proposal mirrors the rules contained in Part 509 with the following exceptions. Section 603.60 contains 6 additions to the permitted foreign substances list. Those additions are: Doxycycline, Amikacin, Metronidazole, Levamisole (tetramisole), Sulfadimethoxine and Sulfamethidazole. Section 603.70 contains new provisions for the administration of furosemide and establishes penalties for excessive amounts of furosemide. The proposed rules regarding furosemide establish a time range during which a certified bleeder horse shall receive the required furosemide administration, create Board discretion to allow a horse to receive furosemide in his/her own stall, and establish a graduated penalty structure for excessive amounts of furosemide which include fines, suspensions and purse redistributions.

- 6) Will these proposed rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No

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10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, IL 60601
(312) 814-5070

Information on the additions to Section 603.60 may be requested by telephone.

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: None
B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: January 1996

The full text of the proposed rule begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section	Pre-Race Saliva Tests
603.10	Racing Soundness Exam
603.20	Foreign Substances and Pharmaceutical Aids Banned
603.30	Twenty-four Hour Ban
603.40	Trainer Responsibility
603.50	Permitted Use of Foreign Substances and Threshold Levels
603.60	Drugs, Chemicals and Prescription Items
603.70	Needle, Syringes and Injectables
603.80	Drugs, Chemicals and Prescription Items
603.90	Detention Barn
603.100	Test Samples
603.110	Referee Samples
603.120	Laboratory Findings and Reports
603.130	Distribution of Purses and Retention of Samples
603.140	Post Mortems
603.150	Penalties
603.160	Veterinarian's Records
603.170	

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

Section 603.10 Pre-Race Saliva Tests

- The stewards may require that any horse entered to race submit to a pre-race saliva test.
- If the pre-race saliva test is positive for a foreign substance, other than those substances authorized for use by Section 603.60 or 603.70, the subject horse shall be scratched and the trainer shall be fined \$100.
- A trainer who receives a second positive on a pre-race saliva test shall be suspended for 30 days.
- A trainer who receives a third positive on a pre-race saliva test shall be suspended for 180 days.
- A trainer who has received three positive reports on pre-race saliva tests shall be suspended for one year for each additional positive

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thereafter.

Section 603.20 Racing Soundness Exam

Every horse entered to race shall be subjected to the racing soundness exam on race day conducted by an official veterinarian. The State veterinarian shall keep or cause to be kept a continuing health and racing soundness record of each horse examined.

Section 603.30 Foreign Substances and Pharmaceutical Aids Banned

- a) Except as provided in Sections 603.60 and 603.70, no horse participating in a race, or entered to participate in a race and not subsequently by the day of the race, shall carry in its body any foreign substance.
- b) No horse participating in a race shall carry in its body any pharmaceutical aids. Although pharmaceutical aids do not contain any pharmacodynamic and/or chemotherapeutic agents, these foreign substances interfere with testing and may mask the presence of other foreign substances.

- 1) If the laboratory finds a pharmaceutical aid in a post-race test sample of any horses of a trainer, the stewards shall impose a civil penalty not to exceed \$1000.
- 2) If the presence of the pharmaceutical aid occurred due to the veterinarian's negligence in administering the horse, the veterinarian shall be penalized in addition to, or instead of, the trainer.
- c) Any person who knowingly enters a horse in a race that carries in its body during the race any foreign substance, other than those substances listed in Sections 603.60 and 603.70 shall have his/her license suspended or revoked, and may also be subjected to a civil penalty.

Section 603.40 Twenty-four Hour Ban

Except as provided in Section 603.70, no foreign substance shall be administered to a horse entered to race by hypodermic injection, oral administration, topical administration which can penetrate the skin, rectal infusion, suppository, or inhalation within 24 hours prior to the scheduled post time for the first race.

Section 603.50 Trainer Responsibility

- a) Every trainer has the duty to guard or cause to be guarded each horse trained by him/her in such a manner as to prevent any person, including himself, from administering to such horse any foreign substance in violation of this Act.
- b) Every trainer has the duty to be familiar with the medication rules of

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the Board, and reasonably familiar with the foreign substances he/she administers or directs his/her employees to administer, and which are administered by him/her to such horse.

- c) Every trainer has the duty to have each horse trained by him in its assigned security stall in accordance with 11 Ill. Adm. Code 270.
- d) A determination by the laboratory of the presence of a foreign substance in a pre-race or post-race sample shall constitute prima facie evidence that the trainer has violated Section 603.30(c) or has failed in the duties specified in this Section.

Section 603.60 Permitted Use of Foreign Substances and Threshold Levels

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
 - 1) The presence of any NSAID in a horse's body (NSAID) may be present in a horse's body while it is participating in a race.
 - 2) The presence of more than one NSAID at any test level is forbidden.

- 3) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substance which now meets the criteria established in Section 603.80 is phenylbutazone. One of the metabolites of phenylbutazone is oxyphenylbutazone.

- 4) The test level of phenylbutazone shall not be in excess of 2.0 micrograms (mcg) per milliliter (ml) of serum or plasma.

- 5) The test level for oxyphenylbutazone shall not be in excess of 2.0 micrograms (mcg) per milliliter (ml) of serum or plasma.

- a) The following times the laboratory reports that an amount of phenylbutazone or oxyphenylbutazone with respect to any horses of a trainer is greater than 2.0 mcg/ml but less than or equal to 5.0 mcg/ml of serum or plasma, the trainer shall receive a written warning. Additional warnings will be given to a trainer for every 150 horses that he has started in the present calendar year. After the trainer has received all requisite warnings, all subsequent violations in the concentration range of 2.0 mcg/ml to 5.0 mcg/ml shall be subject to a fine not to exceed \$500.
- b) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than 5.0 mcg/ml but less than or equal to 8.0 mcg/ml of serum or plasma, the trainer shall be subject to a fine not to exceed \$500.

- c) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than 8.0 mcg/ml but less than or equal to 15.0 mcg/ml of serum or plasma, the trainer shall be subject to a fine not to exceed \$1000 and/or a suspension not to exceed 15 days.

- d) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than 15.0 mcg/ml of serum or plasma, the trainer shall be subject

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to a fine not to exceed \$1000 and/or a suspension not to exceed 60 days and the purse shall be redistributed.

- E) If the phenylbutazone or oxyphenylbutazone overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in subsections (a)(3)(A)-(D).

- F) Penalties for violations of this Section shall be based on the following criteria:

i) previous warnings and rulings for violations of this Section;

ii) the age and experience of the violator;

iii) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction; if any, was taken to avoid the violation;

iv) just action; if any, was taken to avoid the violation;

v) the results of the test.

- 4) To help horsemen determine the test levels of phenylbutazone and oxyphenylbutazone, the Board laboratory will test: without charge, all equine serum or plasma samples submitted to it which are accompanied by an affidavit indicating time, method, and route of administration of phenylbutazone.

- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment which do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and which can be applied topically without penetrating the skin.

- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial or anti-fungal drugs, may be present in the body of a horse participating in a race.

- 1) Antibiotics

Ampicillin

Ampicillin sodium

Azoxsulamide

Chloramphenicol

Doxycycline

Erythromycin sulfate

Gentamicin sulfate

Kanamycin sulfate

Methenamine

Levamisole (tetranisole)

Metronidazole

Neomycin sulfate

Nitrofurantoin

Oxytetracycline

Penicillin G. Benzathine

Penicillin G. Potassium

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Sulfadiazethorine

Sulfadiazethorine

Sulfamethoxazole

Sulfamethoxazole

Sulfapyridine

Sulfathiazole

Tetracycline

Trimethoprim

2) Anti-Fungals

Amphotericin B

Griseofulvin

Neomycin Undecylenate

Nystatin

- d) This listing of anti-bacterial and anti-fungal drugs is all inclusive and shall not include any other anti-bacterial or anti-fungal drug.

- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when the threshold level and guidelines as it may have been established by the Board are not exceeded.

- f) The Board shall give due consideration to threshold levels and guidelines that have been established by the Quality Assurance Program Committee of the Association of Racing Commissioners International when making additions to the permitted list.

Section 603.70 Fursemide

- a) The Board recognizes that there are horses that exhibit symptoms of epistaxis or respiratory tract hemorrhage which, with proper treatment, are sound and able to compete in races. A horse, which during the race or following the race, or during exercise or following such exercise, is found to be shedding blood from one or both nostrils, or is found to have bled internally, is eligible to be placed on the bleeder list and treated on race day to prevent bleeding during its race.

- In order to obtain authorization for race day treatment of bleeders, the veterinarian or veterinarian assistant shall obtain a certificate of examination from one of the State veterinarians or other documentation, as prescribed in this Section, and have the horse placed on the official bleeder list. One of the State veterinarians must, by examination or in consultation with the practicing veterinarian, establish that the horse did in fact shed free blood from one or both nostrils or that an endoscopic examination of the horse showed observable amounts of free blood in the respiratory tract. When confirmed by one of the State veterinarians, the horse, regardless of age, shall be placed on the bleeder list which shall be maintained by one of the State veterinarians. Once on the list, a horse shall be removed from the bleeder list only upon the direction of one of the State veterinarians who must certify in writing to the Board his recommendation for removal of the horse from the list.

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- b) Once a horse is placed on the bleeder list, that horse must be assigned to a stall in a facility designated by the Board as a security area, at a time to be determined by the Board prior to the scheduled post time for any race in which it is entered. The security stall shall be assigned by the Racing Secretary. Once placed in the security stall, a horse must remain there until it is taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the security stall to engage in exercise blow-out or warm-up heats.
- c) Horses on the bleeder list must be treated with furosemide (Lasix) in the manner specified by subsection (i) of this Section.
- d) If directed by a Board representative, immediately prior to treatment and as a condition for approval, the horse trainer must direct the practicing veterinarian to, in the presence of a uniformed security guard, take a blood sample from the horse in the presence of a Board representative, which may be delivered to the Board's testing laboratory for analysis.
- e) Any horse on the bleeder list which is not stabled on the actual grounds of the racing facility where it is to race, and which is stabled off the grounds at an auxiliary stabling area or at some other approved location, must be brought on to the grounds of the racing facility, where it is to race, at least 6 hours prior to the start of the last time for the race in which it is to race. The State veterinarians authorize a later arrival. Such a horse arriving at the racing facility will be placed in a security stall assigned by the Racing Secretary.

f) Every horse entered to race shall be placed in a security area as designated by the Board. The Board, in designating a security area, shall not require that a horse be placed in a barn or stall other than the barn or stall assigned to that horse by the Racing Secretary. The barn or stall shall be posted as a security area. The trainer of record shall be responsible for the security of the horse and barn or stall area. The security area shall be under the supervision of the State Racing Board. No unauthorized person shall approach the security area. Any violation of this security area shall be cause for a report of the incident to be made immediately to one of the State veterinarians, the stewards or a Board investigator.

- g) The provisions of this Section and the treatment authorized herein shall apply to and be available only for horses entered in and competing in race meetings as defined in Section 3.07 of the Act [230 ICS 5/3-07].

h) Procedure

1) If the State or association veterinarian determines that a horse is a bleeder, he shall issue a certificate of examination and enter the horse's name and tattoo number on the bleeder list. The trainer shall affix the certificate of examination to the horse's foal card. The State veterinarian shall prepare plans for horses to race a bleeder shall indicate on the entry form that the horse

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- 2) races with furosemide.
- 3) The State veterinarian or his designee shall authorize a horse which has bled in another state to race on furosemide upon presentation by the trainer of:

- written certification from a state or association veterinarian in another state that a properly identified horse has bled in that state or
- policitation in the official charts that the named horse bled following a race at a race track in that state, or
- If the certification described in subsection (a)(2)(i) above is not satisfactory to the Board, the Board may require that:
 - the stewards may allow the horse to race as a bleeder in that one race in which it is entered only.
 - within ten days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state that the horse has bled in that state or a statement in an official chart that the named horse bled following a race in that state.
 - any purse earned by the horse in the race shall be held during the ten day period.
 - If the trainer fails to produce the certification described in subsection (a)(3)(B) above, the stewards shall impose a suspension on the trainer for the amount of the purse earned by the horse, redistributing the amount of the purse earned by the horse.
- If a horse has been designated a bleeder, it shall remain on the bleeder list and be administered furosemide prior to its races regardless of change of owner or trainer. Once on the bleeder list a horse shall be removed from the list only upon the direction of the State veterinarian who shall certify in writing to the Board his recommendation for removal of the horse from the list.

i) Administration

- If a horse has been placed on the bleeder list, it shall receive a furosemide administration not earlier than 3 hours and 5 minutes and not later than 4 hours and 15 minutes before the time that the horse enters the race in which it is entered. The Board may require that horses be brought to a designated facility for furosemide administration.
- A licensed veterinarian shall administer 250 mg of furosemide intravenously to the bleeder and shall immediately note on Board-prescribed forms the time of administration and submit such forms to the stewards no later than 3 1/2 hours prior to the horse's scheduled post time.
- The trainer, or his licensed employee, shall witness the administration. Following the administration of furosemide, the trainer of record or his designee shall remain with the horse and provide constant surveillance in accordance with 11 Ill. Adm. Code 220.

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3) Bleeders

- 1) The bleeder list for the race meeting shall be posted in the Racing Secretary's office and in the State veterinarian's office at each race meeting.
- 2) The first time a horse bleeds, it shall be ineligible to race for 19 days irrespective of the date of entry.
- 3) A horse which bleeds for the second time in any 12-month period shall be barred from racing in Illinois for a minimum of 60 days.
- 4) A horse which bleeds for the third time in any 12-month period shall be barred from racing in Illinois for a minimum of 120 days.
- 5) After the expiration of any of the above-mentioned periods, no horse may again start until it has been approved by the State veterinarian.
- 6) This section shall also apply to horses shipped in from other racing jurisdictions which have established different time restrictions of furosemide.
- k) Excesses of Furosemide
 - 1) The test level for furosemide shall not be in excess of 60 nanograms (ng) per milliliter (ml) of serum or plasma.
 - 2) The first time the laboratory reports an amount of furosemide between 61 ng - 85 ng/ml, inclusive, the trainer shall receive a written warning. Each subsequent overage by the same trainer at this level shall result in a \$200 fine.
 - 3) In the event a post-race sample contains an amount of furosemide between 86 ng - 99 ng/ml, inclusive, the trainer shall be fined no less than \$500 and suspended not more than 30 days.
 - 4) In the event a post-race sample contains an amount of furosemide greater than 99 ng/ml, the trainer shall be fined not less than \$1000 and suspended not less than 30 days and the purse shall be redistributed.

Section 603.80 Needles, Syringes and Injectables

- a) No person, except a veterinarian, shall have in his possession, within any race track enclosure, any hypodermic syringe, needle or any other instrument capable of being used for the injection of any chemical substance into any horse, except as provided herein.
- b) Any person may possess, within any race track enclosure, any hypodermic syringe or needle for the purpose of administering to himself a chemical substance provided that a person has notified the State stewards in writing:
 - 1) of the possession of such device,
 - 2) of the size of such device, and
 - 3) of the chemical substance to be administered by such device.
- c) No person, except a veterinarian, shall have in his possession within any race track enclosure, any substance prepared for the purpose of being injected into any animal or human, except as provided in this

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subsection (c). Any person may possess, within any race track enclosure, any chemical substance for use on his/her own person, provided that, if such chemical substance is a prescription drug, such person is in possession of documentary evidence that a valid prescription for such prescription drug has been issued to such person.

Section 603.90 Drugs, Chemicals and Prescription Items

- a) No veterinarian or any other person shall have in his possession or administer to any horse within any race track enclosure any chemical substance which:
 - 1) has not been approved for use on equines by the Food and Drug Administration, pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301, et seq., the implementing regulations, and prior written approval of the State veterinarian; or
 - 2) which is listed in one of the schedules of controlled substances as prepared by the Attorney General of the United States pursuant to 21 U.S.C. Section 811 and 812, without prior written approval from the State veterinarian.
- b) The State veterinarian shall not give such approval unless the person seeking such approval can produce evidence in recognized veterinary journals or by recognized equine experts that such chemical substance has a beneficial, therapeutic use in horses.
- c) No person except a veterinarian shall have in his possession within a race track enclosure any prescription drug, except as provided in this Section.
- d) A person may possess a prescription drug for animal use if:
 - 1) The person possesses, within the race track enclosure, documentary evidence that a prescription has been issued to him for such prescription drug;
 - 2) The prescription contains a specific dosage for the particular horse to be administered by the prescription drug; and
 - 3) The horse or horses named in the prescription are in that person's care within the race track enclosure.

Section 603.100 Detention Barn

Every organization licensee shall provide a detention barn where test samples shall be taken under the supervision of the State veterinarian. Such detention barn shall satisfy standards prescribed by the State veterinarian and shall be approved by the Board. In addition, every organization licensee shall furnish, during racing hours, a guard whose duty shall be to assist Board employees in the detention barn. Such guard shall remain on duty until the last specimens have been taken for that racing day.

Section 603.110 Test Samples

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- a) The winning horse in every race and any other horse or horses selected at the discretion of the stewards shall have taken from it test samples.
- b) Any person having the care, custody, and/or control of any horse who shall refuse to submit such horse for test samples shall have his license suspended for not less than 30 days and such horse shall be disqualified.
- c) Test samples shall be taken under the supervision of the State veterinarian by persons appointed by the Board. During the taking of samples, the owner or his/her representative or any other person or employee shall be present at all times.
- d) The test samples shall be sealed by the State veterinarian or those under his/her supervision and the evidence of such sealing shall be witnessed by the signature of the owner or trainer or his/her agent or employee.

Section 603.120 Referee Samples

- a) For each horse tested, one portion of the test sample (hereinafter referred to as the "referee sample") shall be preserved by the laboratory. The referee sample shall be preserved by the laboratory at the request of the owner, trainer or other person charged with the enforcement of these rules. The referee sample may also be tested by the Board laboratory with the consent of the owner of the horse from whom the sample was taken. If the Illinois Racing Board requests permission from the owner to test his or her referee sample and the owner refuses to grant the permission, the Board shall deem such refusal by the owner as grounds for revoking his or her occupation license.
- b) If the owner, trainer or other person charged with a violation of these rules desires to send the referee sample to another laboratory for testing, the Board shall bear the cost of preparing the samples for shipment and the cost of such shipment and of such testing at another laboratory shall be borne by the person requesting the additional tests.
- c) Whenever a referee sample is opened, a portion of that test sample shall be preserved by the Board laboratory in case further testing is requested.

Section 603.130 Laboratory Findings and Reports

- a) If the laboratory determines that a foreign substance, or any impurities thereof, is a constituent in a test sample, the laboratory shall report the findings to the Executive Director of the Board, the stewards and to the State veterinarian.
- b) If the laboratory analysis of a test sample is concluded after the end of a meet in which the test sample was taken, the laboratory shall make its report or finding to the Executive Director of the Board. The Executive Director shall refer such report or finding to the

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stewards at another race meeting or directly to the Board. In making such referral, the Executive Director shall consider the location of the trainer, the availability of stewards, and the Board's schedule for hearings.

Section 603.140 Distribution of Purses and Retention of Samples

- a) The Board recognizes that occasionally post-race specimens do not reach the laboratory within 72 hours nor can all samples be thoroughly analyzed. However, a convenience to horsemen, all samples may be distributed to the stewards within 72 hours after the race unless the laboratory has issued a report to the stewards pursuant to these rules.
- b) The fact that purse money has not been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no foreign substance has been administered in violation of these rules to the horse winning such purse money.
- c) Upon receipt of a positive laboratory report, the stewards or the Executive Director of the Board shall immediately direct that no purse money shall be awarded to the horse in question pending a final determination by the stewards or the Board of the accuracy of the laboratory report. The stewards or the Board shall immediately direct the Board to notify the owner, trainer, and any other person having care or custody or control of the horse. If the purse money has been distributed, the stewards or the Executive Director shall order it returned pending determination of the accuracy of the laboratory's report. The stewards or the Executive Director of the Board shall proceed to conduct an inquiry or the Board shall conduct an inquiry or hearing.
- d) If the report of a laboratory is not contested or if the stewards or the Board determine that the laboratory report is accurate, all purse money on by the horse in the race in question shall be forfeited and redistributed to the stewards or the Board. The stewards or the Board shall then proceed to finish. No such forfeiture and redistribution shall affect the distribution of pari-mutuel pools.
- e) If no positive laboratory report has been issued to the stewards or the Board within 60 days after the date of a race, the owner of a horse shall become legally entitled to the money in the purse and it shall be conclusively presumed that the conditions precedent to such entitlement have been met. Provided, however, positive laboratory reports issued more than 60 days after the date of a race may be considered by the stewards or the Board as evidence of a rule violation under Sections 603.60, 603.70, or 603.80.
- f) If a positive laboratory report is received by the laboratory within 60 days after the date of a race, the Board shall retain the remains of that particular test sample shall be retained until all legal proceedings have been concluded.
- g) All samples shall be retained by the laboratory for the maximum period permitted by available storage facilities. No samples may be

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destroyed when storage facilities become unavailable except upon approval by a majority of the members of the Board.

Section 603.150 Post Mortem

- a) Every horse which suffers a breakdown on the race track in training or in competition and is destroyed, and every other horse which expires while stabled on the race track under the jurisdiction of the Board, shall undergo post-mortem examination at a time and place acceptable to the official veterinarian to determine the injury or sickness which resulted in euthanasia or natural death, except as provided herein:
 - 1) In the case of breakdowns, an examination of the affected area by a veterinarian in the presence of, and in consultation with, the official veterinarian shall be sufficient; however, test samples shall be required.
 - 2) A post-mortem shall not be required if in the opinion of the State veterinarian a post-mortem is impractical or not necessary; however, test samples shall be required. Death is due to fire.
 - 3) A post-mortem shall be required if death is due to fire.
 - b) The post-mortem examination required under this Section shall be conducted by a veterinarian employed by the owner or the horse's trainer in the presence of and in consultation with an official veterinarian.
 - c) Test samples must be obtained from the carcass upon which the post-mortem examination is conducted and shall be sent to the Illinois Racing Board Laboratory for testing for foreign substances and natural substances at abnormal levels. When practical, blood and urine samples should be procured prior to the euthanasia.
 - d) The owner of the deceased horse shall make payment of reasonable charges due to the veterinarian employed to conduct the post-mortem examination. The services of the State veterinarian and the laboratory testing of post-mortem samples shall be made available by the Board without charge to the owner.
 - e) The deceased horse shall be filled with the State veterinarian, or with the Board if the race meeting has ended, by the owner's veterinarian within 72 hours of the death and shall be submitted on a form supplied by the Board.
 - f) Each owner and trainer accepts the responsibility for the post-mortem examination provided herein as a requisite for maintaining the occupational license issued by the Board.

Section 603.160 Penalties

- a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall have his/her license suspended or revoked and may also be subjected to a civil penalty.
- b) Penalties for violations of this Part shall be based on the following

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Criteria:

- 1) the nature of the foreign substance; e.g., cough medicine, sedative, corticosteroid, dehydrant, etc.
- 2) the possibility of the drug's being purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
- 3) the age and experience of the violator;
- 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
- 5) what action, if any, was taken by the violator to avoid such violation;
- 6) the purse of the race.
- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.

Section 603.170 Veterinarian's Records

- a) All veterinarians licensed by the Board shall maintain records which accurately reflect: all purchases of medication, name of each horse treated, date of the treatment, method of administration, and prescription of medication and name of the trainer. All veterinarians shall also retain duplicate copies of their bills or statements to trainers or owners.
- b) These records shall be retained for at least three years and shall be made available for inspection upon request of the Board or its representative.

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NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Medication2) Code Citation: 11 Ill. Adm. Code 5093) Section Numbers: Proposed Action:

509.10 Repealed
 509.20 Repealed
 509.30 Repealed
 509.40 Repealed
 509.50 Repealed
 509.60 Repealed
 509.70 Repealed
 509.75 Repealed
 509.80 Repealed
 509.90 Repealed
 509.95 Repealed
 509.100 Repealed
 509.110 Repealed
 509.120 Repealed
 509.140 Repealed
 509.150 Repealed
 509.160 Repealed
 509.170 Repealed
 509.180 Repealed
 509.190 Repealed
 509.200 Repealed
 509.210 Repealed
 509.230 Repealed
 509.270 Repealed
 509.280 Repealed
 509.290 Repealed
 509.300 Repealed

4) Statutory Authority: 230 ILCS 5/9(b)

5) A Complete Description of the Subjects and Issues Involved: This repeal is done in conjunction with the proposed rulemaking of Part 603. The proposed rules in Part 603 reorganize the rules contained in Part 509.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other proposed amendments pending in this Part? No

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10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro
 Illinois Racing Board
 100 West Randolph, Ste. 11-100
 Chicago, Illinois 60601
 (312) 814-5070

12) Initial Regulatory Flexibility Analysis:

A) Type of small business affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda which this rulemaking was summarized: January 1996

The full text of the proposed repealer begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 509

MEDICATION (REPEALED)

Section	
509.10	Purpose
509.20	Definitions
509.30	Racing Soundness Exam
509.40	Foreign Substance Banned
509.50	Twenty-Four Hour Ban
509.60	Unlawful Administration
509.70	Knowing Entry of Medicated Horse Prohibited
509.75	Pharmaceutical Aids Banned
509.80	Access to Permitted List
509.90	Permitted Use of Foreign Substances: Threshold Levels
509.95	Poisonicide
509.100	Possession of Needles and Injectables Prohibited
509.110	Prescription Items - Animal Use
509.120	Possession of Drugs and Chemicals
509.130	Human Use of Substances and Hypodermic Syringes or Needles (Repealed)
509.140	Detention Barn
509.150	Test Samples
509.160	Referee Samples
509.170	Laboratory Reports and Findings
509.175	Laboratory Reports and Findings with Respect to Test Samples for Pre-Race Testing (Repealed)
509.180	Distribution of Purse
509.190	Prizes, Prizes, Retention of Samples
509.195	Stewardship on Laboratory Reports Under Pre-Race Testing (Repealed)
509.200	Trainer Responsibility
509.210	Prima Facie Evidence
509.220	Bleeders (Repealed)
509.230	Post Mortems
509.240	Penalties - Violation (Repealed)
509.250	Penalties - Failure to Guard Cases (Repealed)
509.260	Penalties - Violation of Excessive Use of Phenylbutazone (Repealed)
509.265	Penalties - Violations of Pharmaceutical Aids (Repealed)
509.270	Other Penalties
509.280	Veterinarian's Records
509.290	Offenses Occurring Prior to the Effective Date of the Rules

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 (230 ILCS 5).

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SOURCE: Adopted at 5 Ill. Reg. 4599, effective April 17, 1981; codified at 5 Ill. Reg. 10908; amended at 7 Ill. Reg. 1429, effective January 24, 1983; amended at 7 Ill. Reg. 1589, effective November 10, 1983; emergency amendment at 7 Ill. Reg. 1691, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6094, effective April 19, 1984; amended at 8 Ill. Reg. 1007, effective May 1, 1984; amended at 11 Ill. Reg. 1424, effective August 1, 1984; amended at 11 Ill. Reg. 15492, effective September 2, 1987; amended at 14 Ill. Reg. 8186, effective May 15, 1990; amended at 14 Ill. Reg. 20045, effective December 4, 1990; amended at 15 Ill. Reg. 11989, effective August 12, 1991; amended at 17 Ill. Reg. 3649, effective March 4, 1993; amended at 18 Ill. Reg. 2095, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 6019, effective April 1, 1994, for a maximum of 150 days; modified at 18 Ill. Reg. 9654; amended at 18 Ill. Reg. 7428, effective May 8, 1994; amended at 18 Ill. Reg. 15446, effective September 30, 1994; amended at 19 Ill. Reg. 2466, effective February 15, 1995; emergency amendment at 19 Ill. Reg. 8005, effective June 5, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13926, effective October 1, 1995; repealed at 21 Ill. Reg. _____, effective _____.

Section 509.10 Purpose

The purpose of these rules is to protect the integrity of horse racing, to guard the health of the horse and to safeguard the interests of the public and the racing participants through the prohibition or control of all substances foreign to the natural horse.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.20 Definitions

"Bleeder" means a horse which is examined by an official veterinarian following a race or workout; and sheds blood from one or both nostrils or upon endoscopic examination shows observable amounts of free blood in the respiratory tract.

"Bleeder List" means a tabulation of all bleeders to be maintained by the Board.

"Chemist" means any racing chemist selected by the Board.

"Foreign Substances" means all substances except those which exist naturally in the untreated horse of normal physiological concentrations;

substances, or metabolites thereof which are contained in equine feeds or feed supplements but do not contain any pharmacodynamic and/or chemotherapeutic agents; or pharmaceutical aids as herein defined.

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"Hypodermic Injection" means any injection into or under the skin or mucosa, including but not limited to intradermal injection, subcutaneous injection, submucosal injection, intramuscular injection, intravenous injection, intra-arterial injection, intra-articular injection, intrabursal injection, intraocular (intraconjunctival) injection.

"Laboratory" means the Illinois Racing Board Laboratory or any other testing laboratory.

"Official Veterinarian" means a veterinarian employed by the Board or employed by an organization licensee and approved by the Board.

"Pharmaceutical aids" include only polyethylene glycol, polyoxyethylene glycol, polyalkylene glycol, polyoxyalkylene glycol, polysorbates, sorbitans and their analogues and derivatives.

"Prescription drug" means any chemical substance which is prohibited from being dispensed by any Federal or Illinois law without a prescription.

"Race Day" means the twenty-four hour period prior to the scheduled post time for the first race.

"Racing Soundness Exam" or "Racing Soundness Examination" means the physical examination for racing soundness and health of each horse, by an official veterinarian.

"Test Sample" shall mean any body substance including but not limited to blood or urine taken from a horse under the supervision of the State Veterinarian.

"Test Level" means the concentration of a foreign substance found in the test sample.

"Threshold Level" means a test level which must be exceeded before the laboratory issues a positive report.

"Veterinarian" shall mean a veterinary practitioner licensed as such by the Illinois Department of Registration and Education and by the Board.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.30 Racing Soundness Exam

Each and every horse entered to race shall be subjected to a racing soundness exam on race day conducted by an official veterinarian. The state

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veterinarian shall keep or cause to be kept a continuing health and racing soundness record of each horse so examined.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.40 Foreign Substance Banned

No horse participating in a race, or entered to participate in a race and entered to race in that race, shall be administered any foreign substance (including but not limited to any foreign substance administered or injected except as provided in Section 509.90(a), Section 509.90(c), and Section 509.95.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.50 Twenty-four Hour Ban

No foreign substance shall be administered to a horse entered to race by hypodermic injection, oral administration, topical administration which can penetrate the skin, rectal intubation, suppository, or by inhalation within 24 hours prior to the scheduled post time for the first race, except as provided in Section 509.95.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.60 Unlawful Administration

a) Any person who administers or conspires to administer any foreign substance to any horse in violation of any of the rules in this Part shall have his/her license suspended or revoked and may also be subjected to a civil penalty.

b) Penalties for violation of this Section shall be based on the following criteria:

- 1) the nature of the foreign substance; e.g., cough medicine, sedative, tranquilizer, stimulant, depressant;
- 2) the accessibility of the drug; and
- 3) the age and experience of the violator;
- 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
- 5) what action, if any, was taken by the violator of the rules to avoid such violation;
- 6) the purse of the race.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.70 Knowing Entry of Medicated Horse Prohibited

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- a) Any person who knowingly enters any horse in a race that carries in its body during the race any foreign substance (irrespective of when it was administered or injected), other than those substances listed in Sections 509.90 and 509.95, shall have his/her license suspended or revoked, and may also be subjected to a civil penalty.
- b) Penalties for violations of this Section shall be based on the criteria established in Section 509.60.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.75 Pharmaceutical Aids Banned

- a) No horse participating in a race shall carry in its body any pharmaceutical aids (irrespective of when it was administered or injected). Although pharmaceutical aids do not contain any pharmacodynamic and/or chemotherapeutic agents, these foreign substances interfere with testing and may mask the presence of other foreign substances.
- b) Penalties for violations of this Section shall be based on the criteria established in 509.60 and shall be subject to the standards provided herein:
- 1) If the laboratory finds a pharmaceutical aid in post-race test sample of any horses of a trainer, the stewards shall impose a civil penalty not to exceed \$1000.
 - 2) If the presence of the pharmaceutical aid occurred due to the negligence of the veterinarian attending the horse, the veterinarian shall be penalized in addition to, or instead of, the trainer.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.80 Additions to Permitted List

A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and these rules have been duly amended. The Board shall give due consideration to threshold levels and guidelines that have been established by the Quality Assurance Program Committee Association of the Racing Commissioners International when making additions to the permitted list.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.90 Permitted Use of Foreign Substances: Threshold Levels

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
- 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID at any test level is

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- forbidden.
- 2) Subject to the prohibition contained in Section 509.50 (24-hour ban), the only foreign substance which now meets the criteria established in Section 509.80 is phenylbutazone. One of the metabolites of phenylbutazone is oxyphenylbutazone. The test level of phenylbutazone shall not be in excess of 2.0 mcg/ml of serum or plasma. The test level of oxyphenylbutazone shall not be in excess of 2 micrograms (mcg) per milliliter (ml) of serum or plasma.
- A) The first two times the laboratory reports that an amount of phenylbutazone or oxyphenylbutazone with respect to any horses of a trainer is greater than 2.0 mcg/ml but less than or equal to 5.0 mcg/ml of serum or plasma, the trainer shall receive a written warning. Additional warnings will be given to a trainer for every 150 horses that he has started in the present calendar year. After the trainer has received all requisite warnings, all subsequent violations in the concentration range of 2.0 mcg/ml to 5.0 mcg/ml shall be subject to a fine not to exceed \$500.
- B) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than 5.0 mcg/ml but less than or equal to 8.0 mcg/ml of serum or plasma, the trainer shall be subject to a fine not to exceed \$500.
- C) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than 8.0 mcg/ml but less than or equal to 15.0 mcg/ml of serum or plasma, the trainer shall be subject to a fine, not to exceed \$1000 and/or a suspension not to exceed 15 days.
- D) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than 15.0 mcg/ml of serum or plasma, the trainer shall be subject to a fine not to exceed \$1000 and/or a suspension not to exceed 60 days and the purse shall be added to the deficiency of the veterinarian attending the horse. The veterinarian shall be subject to the same penalties as are set forth above.
- F) Penalties for violations of this Section shall be based on the following criteria:
- i) previous warnings and rulings for violations of this Section;
 - ii) the age and experience of the violator;
 - iii) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - iv) what action, if any, was taken to avoid the violation;
 - v) the purse of the race.
- 4) To help horsemen determine the test levels of phenylbutazone and

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oxyphenylbutazone, the Board laboratory will test, without charge, all equine serum or plasma samples submitted to it which are accompanied by an affidavit indicating time, method, and route of administration of phenylbutazone.

- b) The following foreign substances may be administered externally to a horse entered to race: leg paints and liniment which do not contain any caustic derivatives, and do not contain pharmacodynamic and/or toxic substances, and which can be applied topically without penetrating the skin.

- c) Subject to the prohibition contained in Section 509.50 (24-hour ban), anti-bacterial or anti-fungal drugs may be present in the body of a horse participating in a race.

1) Antibiotics

Ampicillin
Ampicillin sodium
Azosulfamide
Chloramphenicol
Dicyclopropyl sulfide
Dicyclopropyl sulfide
Kanamycin sulfate
Methenamine
Neomycin sulfate
Nitrofurantoin
Oxytetracycline
Penicillin G, Benzathine
Penicillin G, Potassium
Sulfadiazine
Sulfamethoxazole
Sulfapyridine
Sulfathiazole
Sulfatiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecylenate
Nystatin

- d) This listing of anti-bacterial and anti-fungal drugs is all inclusive and shall not include any other anti-bacterial or anti-fungal drug.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.95 Furosemide

- a) The Board recognizes that there are horses that exhibit symptoms of epistaxis or respiratory tract hemorrhage which, with proper treatment, are sound and able to compete in races. A horse, which

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during the race or following the race, or during exercise or following such exercise, is found to be shedding blood from one or both nostrils, or is found to have bled internally, is eligible to be placed on a bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the horse trainer or veterinarian must obtain a certificate of examination from one of the State veterinarians, who shall examine the horse and make a written report and have the horse placed on the official bleeder list. One of the State veterinarians must, by examination or in consultation with the practicing veterinarian, establish that the horse did in fact shed free blood from one or both nostrils or that an endoscopic examination of the horse showed observable amounts of free blood in the respiratory tract. When confirmed by one of the State veterinarians, the horse, regardless of age, shall be placed on the bleeder list which shall be maintained by one of the State veterinarians. Once on the list, a horse shall be removed from the bleeder list only upon the direction of one of the State veterinarians, who must certify in writing to the Board his recommendation for removal of the horse from the list.

- b) Once a horse is placed on the bleeder list, that horse must be assigned to a stall in a facility designated by the Board as a security area, at a time to be determined by the Board prior to the scheduled post time for any race in which it is entered. The security stall shall be assigned by the Racing Secretary. Once placed in the security stall, a horse must remain there until it is taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the security stall to engage in exercise blow-outs or warm-up heats.

- c) Horses on the official bleeder list must be treated with furosemide (Lasix) in the manner specified by subsection (i) of this Section.

- d) and directed by the Board representative, immediately prior to treatment and immediately after treatment, the Board representative, and the practicing veterinarian to, in the presence of a uniformed security guard, take a blood sample from the horse in the presence of a Board representative, which may be delivered to the Board's testing laboratory for analysis.

- e) Any horse on the bleeder list which is not stabled on the actual grounds of the racing facility where it is to race, and which is stabled off the grounds at an auxiliary stabling area or at some other approved location, must be brought on to the grounds of the racing facility where it is scheduled to compete at least 6 hours prior to the post time for the race for which it is entered, unless one of the State veterinarians authorizes a later arrival. Such horses arriving at the racing facility will be placed in a security stall assigned by the Racing Secretary.
- f) Every horse entered to race shall be placed in a security area as designated by the Board. The Board, in designating a security area,

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shall not require that a horse be placed in a barn or stall other than the barn or stall assigned to that horse by the Racing Secretary. The barn or stall shall be posted as a security area. The trainer of record shall be responsible for the security of the horse and barn or stall area. The security area shall be under the supervision of the Illinois Racing Board. No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, the trainer of record shall be liable to the State or one of the State veterinarians, the stewards or a board investigator.

g) The provisions of this Section and the treatment authorized herein shall apply to and be available only for horses entered in and competing in race meetings as defined in Section 3.07 of the Act (230 ICS 5/3.07).

h) Procedure

- 1) If the state or association veterinarian determines that a horse is a bleeder, he shall issue a certificate of examination and enter the horse's name and tattoo number on the bleeder list. The trainer shall affix the certificate of examination to the horse's foal papers or eligibility papers. A trainer who plans to race a bleeder shall indicate on the entry form that the horse races on furoseamide.
- 2) The state or association veterinarian shall authorize a horse which has bled in another state to race on furoseamide upon presentation by the trainer of:
 - A) written certification from a state or association veterinarian in another state that a properly identified horse has bled in that state; or
 - B) publication in the official charts that the named horse bled following a race at a race track in that state.

3) If the certification described in subsection (h)(2)(A) above is not available at the time the named horse is entered to race:

- A) the stewards may allow the horse to race as a bleeder in that one race in which it is entered only.
- B) within ten days after the race, the trainer of the horse must produce for the state the certificate of examination or written certification from a state that the horse has bled in that state, or a statement in an official chart that the named horse bled following a race in that state.

- C) any purse earned by the horse in the race shall be held during the ten day period.
 - D) if the trainer fails to produce the certification described in subsection (h)(3)(B) above, the stewards shall impose a fine and/or suspend the trainer's license and shall redistribute the amount of any purse earned by the horse.
- 4) If a horse has been denominated a bleeder, it shall remain on the bleeder list and be administered furoseamide prior to its races regardless of change of owner or trainer. Once on the bleeder list a horse shall be removed from the list only upon the

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direction of the state veterinarian who shall certify in writing to the Board his recommendation for removal of the horse from the list.

- i) Administration
 - 1) If a horse has been placed on the bleeder list, it shall be brought to a facility for furoseamide administration not less than 10 days prior to the race in which it is entered. The facility for furoseamide administration shall be provided by the racing association which shall also provide security for the facility.
 - 2) A licensed veterinarian shall administer 250 mg of furoseamide intravenously to the bleeder in the presence of the state veterinarian or his designee.
 - 3) The trainer, or his licensed employee, shall witness the administration. Following the administration of furoseamide, the trainer of record or his designee shall immediately return the horse to its assigned stall and shall remain with the horse and provide constant surveillance in accordance with 11 Ill. Adm. Code 436.05(c).
- j) Bleeder list for the race meeting shall be posted in the racing secretary's office and in the State veterinarian's office at each race meeting.
 - 1) The first time a horse bleeds, it shall be ineligible to race for 19 days irrespective of the date of entry.
 - 2) A horse which bleeds for the second time in any 12-month period shall be barred from racing in Illinois for a minimum of 60 days.
 - 3) A horse which bleeds for the third time in any 12-month period shall be barred from racing in Illinois for a minimum of 120 days.
 - 4) After the expiration of any of the above-mentioned periods, no horse may again start until it has been approved by the State veterinarian. The State veterinarian shall also apply to horses shipped in from other racing jurisdictions which have established different time restrictions.

(Source: Amended at 19 Ill. Reg. 13926, effective October 1, 1995)

Section 509.100 Possession of Needles and Injectables Prohibited

- a) No person, except a veterinarian, shall have in his possession within any race track enclosure, any hypodermic syringe, needle or any other instrument capable of being used for the injection of any chemical substance into any horse except as provided herein:
 - b) Any person may possess, within any race track enclosure, any hypodermic syringe or needle for the purpose of administering to

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himself a chemical substance provided that a person has notified the state stewards in writing:

- 1) of the possession of such device,
 - 2) of the use of such device,
 - 3) of the chemical substance to be administered by such device.
- c) No person, except a veterinarian, shall have in his possession, within any race track enclosure, any substance prepared for the purpose of being injected into any animal or human; except if such chemical substance is a prescription drug, such person is in possession of documentary evidence that a valid prescription for such prescription drug has been issued to such person.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.110 Prescription Items - Animal Use

- a) No person except a veterinarian shall have in his possession within a race track enclosure any prescription drug; except as provided herein:
- b) A person may possess a prescription drug for animal use if:

- 1) The person possesses, within the race track enclosure, documentary evidence that a prescription has been issued to him for such prescription drug;
- 2) The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug; and
- 3) The horse or horses named in the prescription are in said person's care within the race track enclosure.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.120 Possession of Drugs and Chemicals

- a) No veterinarian or any other person shall have in his possession or administer to any horse within any race track enclosure any chemical substance which:

- 1) has not been approved for use on equines by the Food and Drug Administration, pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301 et seq., and implementing regulations, without the prior written approval from the state veterinarian or which is on any of the schedules of controlled substances as prescribed by the Attorney General of the United States pursuant to 21 U.S.C. Section 812;
 - 2) has not been approved for use on equines by the state veterinarian.
- b) The state veterinarian shall not give such approval unless the person seeking such approval can produce evidence in recognized veterinary journals or by recognized equine experts that such chemical substance has a beneficial, therapeutic use in horses.

(Source: Amended at 7 Ill. Reg. 15869, effective November 10, 1983)

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Section 509.130 Human Use of Substances and Hypodermic Syringes or Needles (Repealed)

(Source: Repealed at 17 Ill. Reg. 3619, effective March 4, 1993)

Section 509.140 Detention Barn

Every organization licensee shall provide a detention barn where test samples shall be taken under the supervision of the State veterinarian. Such detention barn shall satisfy standards prescribed by the state veterinarian and shall be approved by the Board. In addition, every organization licensee shall furnish, during racing hours, a guard whose duty shall be to assist Board employees in the detention barn. Such guard shall remain on duty until the last specimens have been taken for that racing day.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.150 Test Samples

- a) The winning horse in every race, and any other horse or horses selected at the discretion of the stewards, shall have taken from it test samples.
- b) Any person having the care, custody, and/or control of any horse who refuses to submit such horse for test samples shall have his license suspended for not less than 30 days and such horse shall be disqualified.
- c) Test samples shall be taken under the supervision of the state veterinarian by persons appointed by the Board. During the taking of test samples, the owner, trainer, or his/her representative or employee shall be present at all times.
- d) The test samples shall be sealed by the state veterinarian or those under his/her supervision and the evidence of such sealing shall be witnessed by the signature of the owner or trainer or their agent or employee.

(Source: Amended at 19 Ill. Reg. 2466, effective February 15, 1995)

Section 509.160 Referee Samples

- a) For each horse tested, one portion of the test sample (hereinafter referred to as "referee sample") shall be reserved by the state laboratory. The referee sample shall be available for testing at the request of the owner, trainer or other person charged with a violation of these rules. The referee sample may also be tested by the Board Laboratory with the consent of the owner of the horse from whom the sample was taken. If the Illinois Racing Board requests permission from the owner to test his or her referee sample, and the owner refuses to grant the permission, the Board shall deem such refusal by

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- b) the owner as grounds for revoking his or her occupation license. If the owner, trainer or other person charged with a violation of these rules desires to send the referee sample to another laboratory for testing, the Board shall bear the cost of preparing the samples for shipment, but the cost of such shipment and of such testing at an additional laboratory shall be borne by the person requesting the additional tests.
- c) Whenever a referee sample is opened, a portion of that test sample shall be preserved by the Board laboratory in case further testing is requested.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.170 Laboratory Reports and Findings

- a) If the laboratory determines that a foreign substance, or any metabolite thereof, is a constituent in a test sample, the laboratory shall report such determination to the Executive Director of the Board. The stewards and to the state veterinarian.
- b) If the laboratory determines that a foreign substance, or any metabolite thereof, is a constituent in a test sample taken after the end of a race, the laboratory shall report such determination to the Executive Director of the Board. The stewards shall make its report or finding to the Executive Director of the Board. The Executive Director shall refer such report or finding to the stewards at another race meeting or directly to the Board. In making such referral, the Executive Director shall consider the location of the trainer, the availability of stewards, and the Board's schedule for hearings.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.175 Laboratory Reports and Findings with Respect to Test Samples for Pre-Race Testing (Repealed)

(Source: Repealed at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.180 Distribution of Purse

- a) The Board recognizes that occasionally post-race specimens do not reach the laboratory within 72 hours nor can all samples be thoroughly analyzed within 72 hours. However, as a convenience to horsemen, all purse money shall be distributed no later than 72 hours after a race, unless the laboratory has issued a report to the stewards pursuant to these rules.
- b) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no foreign substance has been administered in violation of these rules to the horse winning such purse money.

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Section 509.190 Procedures, Purse, Retention of Samples

- a) Upon receipt of a positive laboratory report, the stewards or the Executive Director of the Board shall immediately direct that no purse money shall be awarded to the horse in question pending a final determination by the stewards or the Board of the accuracy of the laboratory report. The Board shall notify the Executive Director of the Board and shall notify the owner, trainer, and any other person having care or custody or control of the horse. If the purse money has been distributed, the stewards or the Executive Director shall order it returned pending determination of the accuracy of the laboratory's report. The stewards or the Executive Director of the Board shall proceed to conduct an inquiry or the Board shall conduct an inquiry or hearing.
- b) If the report of a laboratory is not contested or if the stewards or the Board determine that the laboratory report is accurate, all purse money won by the horse in the race in question shall be forfeited and redistributed among the remaining horses according to their order of finish. No such forfeiture and redistribution shall affect the distribution of pari-mutuel pools.
- c) If no report of a laboratory has been issued to the stewards or the Board within 60 days after the date of a race, the owner of a horse shall be conclusively presumed that the conditions precedent to such entitlement have been met. Provided, however, positive laboratory reports issued more than 60 days after the date of a race may be considered by the stewards or the Board as evidence of a rule violation under Section 509.60, 509.70, or 509.200.
- d) If a positive laboratory report has been issued, whatever remains of that particular test sample shall be retained until all legal proceedings have been concluded.
- e) All samples shall be retained by the Laboratory for the maximum period permitted by available storage facilities. No samples may be destroyed when storage facilities become unavailable except upon approval by a majority of the members of the Board.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.195 Stewards Action on Laboratory Reports Under Pre-Race Testing (Repealed)

(Source: Repealed at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.200 Trainer Responsibility

- a) Every trainer has the duty to guard or cause to be guarded each horse trained by him/her in such a manner as to prevent any person, including his/her veterinarian, from administering to such horse any

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- foreign substance in violation of these rules.
- b) Every trainer has the duty to be familiar with the medication rules of the racing board, and to be familiar with the foreign substances, the use, administration, or distribution of these substances to his/her horses, and which are administered by such trainer's veterinarian.
- c) Every trainer has the duty to have each horse trained by him in its assigned security stall in accordance with 11 Ill. Adm. Code 436.
- d) Penalties for violation of this Section shall be based on the criteria established in Section 509.60.

(Source: Amended at 18 Ill. Reg. 2095, effective January 21, 1994)

Section 509.210 Prima Facie Evidence

- a) A determination by the laboratory pursuant to these rules shall constitute prima facie evidence that the trainer has violated Section 509.60 or 509.70 or has failed in the duties specified in Section 509.200 of this Part.
- b) As used in this rule, "prima facie evidence" means that the trainer has the burden of going forward with evidence.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.220 Bleeders (Repealed)

(Source: Repealed at 18 Ill. Reg. 7428, effective May 8, 1994)

Section 509.230 Post Mortems

- a) Every horse which suffers a breakdown on the race track in training, or in competition, and is destroyed, (and every other horse which expires while stabled on the race track under the jurisdiction of the Board), shall undergo post-mortem examination at a time and place acceptable to the official veterinarian to determine the injury or sickness which resulted in euthanasia or natural death; except as provided herein:
- 1) an examination of the carcass of the affected area by a veterinarian in the presence of, and in consultation with, the official veterinarian shall be sufficient; however, test samples shall be required.
 - 2) A post-mortem shall not be required if in the opinion of the state veterinarian a post-mortem is impractical or not necessary; however, test samples shall be required.
 - 3) The post-mortem shall not be required when death is due to fire.
- b) The post-mortem examination required under this rule shall be conducted by a veterinarian employed by the owner or the horse's trainer in the presence of and in consultation with an official veterinarian.

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- c) Test samples must be obtained from the carcass upon which the post-mortem examination is conducted and shall be sent to the Illinois Racing Board Laboratory for testing for drugs, poisons, and narcotics. The samples shall be obtained from the blood, urine, and feces. The samples should be procured prior to the euthanasia.
- d) The owner of the deceased horse shall make payment of reasonable charges due to the veterinarian employed to conduct the post-mortem examination. The services of the state veterinarian and the laboratory testing of post-mortem samples shall be made available by the Board without charge to the owner.
- e) A record of every such post-mortem shall be filed with the state veterinarian, or with the Board if the race meeting has ended, by the owner's veterinarian within 72 hours of the death and shall be submitted on a form supplied by the Board.
- f) Examination of the carcass and the responsibility for the post-mortem examination provided herein as a requisite for maintaining the occupational license issued by the Board.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.240 Penalties - Violation (Repealed)

(Source: Repealed at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.250 Penalties - Failure to Guard Cases (Repealed)

(Source: Repealed at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.260 Penalties - Violation of Excessive Use of Phenylbutazone (Repealed)

(Source: Repealed at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.265 Penalties-Violations of Pharmaceutical Aids (Repealed)

(Source: Repealed at 17 Ill. Reg. 3649, effective March 4, 1993)

Section 509.270 Other Penalties

Any person who violates any of these rules for which no penalty is provided herein may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in the rules or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors included, but not limited to those specified in this Part.

(Source: Amended at 17 Ill. Reg. 3649, effective March 4, 1993)

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Section 509.280 Veterinarian's Records

- a) All veterinarians licensed by the Board shall maintain records which accurately reflect: All purchases of medication, name of each horse treated, date of the treatment, method of administration, prescription of medication and name of the trainer. All veterinarians shall also retain duplicate copies of their bills or statements to trainers or owners.
- b) Said records shall be retained for at least three years and shall be made available for inspection upon request of the Board or its representative.

Section 509.290 Offenses Occurring Prior to the Effective Date of the Rules

Offenses by occupation licensees occurring prior to the effective date of these rules shall be determined under the rules in effect at the time said offenses occurred, even if said offenses are not discovered until after the effective date of these rules.

Section 509.300 Pre-Race Saliva Tests

- a) The stewards may require that any horse entered to race submit to a pre-race saliva test.
- b) If the pre-race saliva test is positive for a foreign substance, other than those substances authorized for use by Section 509.90 or 509.95, the subject horse shall be scratched and the trainer shall be fined \$100.
- c) A trainer who receives a second positive on a pre-race saliva test shall be suspended for 30 days.
- d) A trainer who receives a third positive on a pre-race saliva test shall be suspended for 180 days.
- e) A trainer who has received three positive reports on pre-race saliva tests shall be suspended for one year for each additional positive thereafter.

(Source: Added at 18 Ill. Reg. 15446, effective September 30, 1994)

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NOTICE OF PROPOSED RULES

1) Heading of the Part: PPT

2) Code Citation: 11 Ill. Adm. Code 314

3) Section Numbers:

Section Numbers:	Proposed Action:
314.11	New Section
314.20	New Section
314.30	New Section
314.40	New Section
314.50	New Section
314.60	New Section

4) Statutory Authority: 230 ILCS 5/9(b)

5) A Complete Description of the Subjects and Issues Involved: This proposal establishes a PPT wager which combines two perfectas and one trifecta into a single wager. This proposal includes a pool distribution method which allows a 50% refund on losing wagers in the event no one correctly selects a winning PPT combination. This proposal includes provisions for races, races, and heats, conditions and mandatory distribution and references rules specific to trifectas and perfectas.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic renewal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other proposed amendments pending in this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601
(312) 814-5070.

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: None

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B) Rescinding, bookkeeping or other procedures required for compliance: None

C) Times of Professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This proposal was not anticipated by the Board and is a result of a request by Balmoral Park Race Track.

The full text of the proposed rule begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER 1: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 314
PPT

Section

314.10	General
314.20	Pool Distribution
314.30	Scratches
314.40	Dead Heats
314.50	Races Cancelled
314.60	Mandatory Distribution

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

Section 314.10 General

- a) The PPT (perfecta, perfecta, trifecta) requires the selection of the first two finishers in each of two designated contests and the first three finishers of a third designated contest, in exact order.
- b) PPT wagers shall be calculated in an entirely separate pool.
- c) An organization licensee offering the PPT wager may rename the wager so long as the name adopted by the organization licensee remains the same throughout the race meet.
- d) Entries and fields shall be allowed in the two designated perfecta contests without restriction. Entries and fields shall be restricted to the designated trifecta contest only in accordance with Section 306.20.
- e) The minimum field requirements set forth in Section 306.30 for trifectas shall apply to the designated trifecta contest of the PPT.
- f) Each PPT contest shall be clearly designated in the official program.
- g) An organization licensee may offer only one PPT wager per program.

Section 314.20 Pool Distribution

The organization licensee shall choose one of the following pool distributions:

- a) Method 1, PPT with carryover: The net PPT pool and refund, if any, shall be distributed to those who selected the exact winning PPT combinations.
- b) Method 2, PPT with carryover and refund: The net PPT pool and carryover, if any, shall be distributed to those who selected the

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exact winning PPT combinations. If there are no such wagers selecting the exact winning PPT combinations, 50% of each PPT wager which represents 50% of the daily gross pool shall be refunded to those holding valid PPT wagers and the remaining 50%, excluding takeout, shall be added to the carryover pool.

Section 314.30 Scratchers

- a) In the event any contestant that is not part of an entry or field is scratched prior to the start of the first designated PPT contest, all wagers including the scratched betting interests shall be refunded.
- b) In the event any contestant that is part of an entry or field is scratched prior to the start of the first designated PPT contest, the remaining contestants in that entry or field shall remain valid betting interests and no refunds shall be granted.
- c) In the event any contestant is scratched after the first designated PPT contest, those holding wagers which contain scratched betting interests with winners shall receive a refund.

- 1) In the event the organization implements method 1 of the pool distribution (Section 314.20(a)), those whose wagering combination contains a scratched betting interest with no winners shall not receive a refund.
- 2) In the event the organization implements method 2 of the pool distribution (Section 314.20(b)), those whose wagering combination contains a scratched betting interest with no winners shall receive a 50% refund.

- d) In the event of a mandatory distribution, those wagers containing a scratched betting interest with winners shall be considered winning wagers and shall not be subject to a refund.

Section 314.40 Dead Heats

In the event of a dead heat in any of the designated PPT contests, all wagers containing the dead heated horse shall be considered winners. In the event the PPT net and carryover pools are subsequently distributed, those holding wagers containing the winning combinations shall share in a single price pool.

Section 314.50 Races Cancelled

In the event one or more of the PPT contests are cancelled, all valid PPT wagers shall be refunded and the carryover, if any, shall be carried forward to the next racing program.

Section 314.60 Mandatory Distribution

- a) A written request for permission to distribute the PPT carryover pool on specific performances may be submitted to the State Director of

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Mutuels. The request shall contain justification of the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

- b) In the event the PPT pool is to be distributed for distribution on selected performances, the request shall contain justification of the benefit to be derived, and the intended date and performance for the distribution. In the event the PPT pool is to be distributed for distribution on selected performances, the request shall contain justification of the benefit to be derived, and the intended date and performance for the distribution. In the event the PPT pool is to be distributed for distribution on selected performances, the request shall contain justification of the benefit to be derived, and the intended date and performance for the distribution.

- 1) As a single price pool to those whose combination correctly selected the winning betting interests, in exact order, of the first two PPT contests and the first two finishers, in exact order, of the third PPT contest; but if there are no such wagers, then
- 2) As a single price pool to those whose combination correctly selected the winning betting interests, in exact order, of the first two PPT contests and the first place finisher of the third PPT contest; but if there are no such wagers, then

- 3) As a single price pool to those whose combination correctly selected the winning betting interests, in exact order, of the first two PPT contests and the first place finisher of the third PPT contest; but if there are no such wagers, then
- 4) As a single price pool to those whose combination correctly selected the winning betting interests, in exact order, of the first PPT contest and the first place finisher of the second PPT contest; but if there are no such wagers, then

- 5) As a single price pool to those whose combination correctly selected the winning betting interests, in exact order, of the first PPT contest; but if there are no such wagers, then
- 6) As a single price pool to those whose combination correctly selected the first place finisher in the first PPT contest; but if there are no such wagers, then

- 7) As a single price pool to holders of valid PPT wagers.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Customer Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3) Section Numbers:

562.10	Proposed Action:
562.20	Amendments
	Old Section Repealed
	New Section Added
562.30	Amendments
562.40	Old Section Repealed
	New Section Added
562.60	Amendments
562.70	Repealer
562.80	Repealer
562.90	Amendments
Table A	Repealer

- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

- 5) A Complete Description of the Subjects and Issues Involved: DORS is totally revising its rules regarding customer financial participation in the cost of VR services. The revisions are being made to make the Standard Budget Allowances and rate of participation more fair and equitable for all individuals seeking services from DORS. Too, guidelines regarding parental participation have been revised to match the federal guidelines for student financial assistance.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment on this proposed rulemaking by submitting written comments to the Department of Rehabilitation Services within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services

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P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone: (217) 95-3896
TDD: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

- A) Types of small businesses, small municipalities and not for profit corporations affected: N/A
- B) Reporting, bookkeeping or other procedures revised for compliance: N/A

- C) Types of professional skills necessary for compliance: N/A

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendments begins on the next page:

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TITLE 89. SOCIAL SERVICES
CHAPTER IV. DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b. VOCATIONAL REHABILITATION

PART 562

CUSTOMER FINANCIAL PARTICIPATION

Section	
562.10	General Applicability
562.20	Definitions Exclusions-from-Economic-Needs-Test
562.30	Financial Analysis Completion Participation
562.40	Financial Participation Parental-or-Guardian-Participation-in-Completing-the-Financial-Analysis-Form
562.50	Client Emancipation (Repealed)
562.60	Consideration of Settlements from Litigation or Other Sources
562.70	Removal to Noncustodial Participation (Repealed)
562.80	Plan of Financially Responsible (Repealed)
562.90	Impact of Review of Financial (Repealed)
562.100	Exclusion for Public Aid Recipients (Repealed)
TABLE A	Determination Table for Client Participation (Repealed)

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19177, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989; amended at 14 Ill. Reg. 1466, effective February 6, 1991; amended at 14 Ill. Reg. 16555, effective November 5, 1990; amended at 15 Ill. Reg. 179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991; amended at 17 Ill. Reg. 3895, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 11676, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20156, effective November 15, 1993; amended at 19 Ill. Reg. 8803, effective June 20, 1995; amended at 21 Ill. Reg. _____, effective _____.

Section 562.10 General Applicability

Rules contained within this Part are applicable to all Department of Rehabilitation Services' (DORS) Vocational Rehabilitation (VR) customers' clients.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 562.20 Definitions Exclusions-from-Economic-Needs-Test

For the purposes of this Part, the following terms shall have the following meanings:

- a) Customer Financial Analysis (IL 488-0265) (Financial Analysis) - the form developed by DORS to determine customer financial participation.
- b) Customer Financial Participation - the amount of money, as determined by the Department of Rehabilitation Services, which is contributed by the customer's family must contribute to the cost of services and the amount of any voluntary contributions the customer and/or his/her family wish to contribute to the cost of services.
- c) Dependent - for the purpose of completing the Financial Analysis, a customer shall be considered a dependent of his/her parents, including step-parents and adoptive parents, if he/she is under 24 years of age, unless he/she does not reside in the parent's home and:
 - 1) is or has been married;
 - 2) has served in the United States Armed Forces;
 - 3) has been adjudicated by a court to be emancipated; or
 - 4) has legal dependents other than a spouse.
- d) Family - for the purpose of identifying those individuals who must be taken into consideration in the completion of the Financial Analysis, individuals shall include the customer and all of the following individuals:
 - 1) the customer's spouse;
 - 2) the customer's dependent children, including step-children, if they are dependent upon the customer;
 - 3) parents, including non-custodial parents if the customer's parents are divorced and the custodial parent is not remarried and step-parents; and
 - 4) the customer's siblings still residing in the same home as the customer and who are still dependent on the customer's parents.
- e) Income - all earned and unearned income from all sources including all types of public support, wages, tips, interest income, dividends from investments, and private sources. The value of readily available assets (i.e., cash-on-hand, checking accounts, savings accounts, certificates of deposit, stocks, bonds, accessible trust funds) shall be included as income for the purpose of completion of the Financial Analysis.
- f) Services - those services provided by and through DORS to customers of the Vocational Rehabilitation Program and as described at 89 Ill. Admin. Code 590 - Services.
- g) Standard Budget Allowance (SBA) - the State Median Income Figures established by the Office of Community Programs of the United States Department of Health and Human Services which are published annually in the Federal Register.
- h) Unusual Allowable Expenses - expenses directly related to the customer's disability, such as on-going medical treatment, medication, adaptive equipment, and rehabilitation technology services, which are currently being paid by the customer and/or customer's family which are not paid for through insurance of any other source and/or cost

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associated with another family member attending post-secondary education which are not paid by any other source.

The economic needs test shall be presumptively met by customers who are recipients of benefits from Aid to Families with Dependent Children (AFDC), General Assistance or Food Stamps. The economic needs test shall also be presumptively met by a dependent of a recipient of such benefits. DHS shall provide a copy of the child award letter of food stamp recipient to such benefit recipient. The Illinois Department of Public Aid (DPA) or General Assistance Office shall be attached to the CUSTOMER'S FINANCIAL ANALYSIS (Analysis) (48-685-8667).

(Source: Old Section repealed, new Section added at 21 Ill. Reg.

_____, effective _____.)

Section 562.30 Financial Analysis Completion Participation

a) A customer seeking services through DHS and his/her family must complete the Financial Analysis and participate in the receipt of services as indicated by the Financial Analysis. Failure on the part of the customer and/or customer's family to participate in the cost of services, as indicated by the Financial Analysis, shall result in the denial of services from DHS, except for those which are exempt from financial participation and listed in subsection (b) below.

b) Customer financial participation shall be required for all services except the following: if the economic needs test has not been presumptively met a financial analysis to evaluate the financial ability of the customer or customer's family to share in the cost of rehabilitation services shall be applied to all customers of Rehabilitation Services. Subchapter IV -- Vocational Rehabilitation (VR) except the following which may be provided to a customer without regard to financial need as long as he/she meets all eligibility criteria to receive that service:

- 1) evaluation of rehabilitation potential (However, although VR services other than diagnostic services provided through extended evaluation require application of the financial analysis);
- 2) counseling, guidance, referral and placement provided by DHS (89 Ill. Adm. Code 590 - Subpart 1);
- 3) fees for training (18 Ill. Adm. Code 590 Subpart 1);
- 2) fees for training (18 Ill. Adm. Code 590 Subpart 1);
- through any approved community rehabilitation program (89 Ill. Adm. Code 530);
- 4) the work/student component of the nine month hearing impaired pre-vocational program at Northern Illinois University;
- 5) services provided through the Secondary Transitional Experience program (STEP) (89 Ill. Adm. Code - 590 Subpart 1);
- 5) fees for on-the-job training (OJT);

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7) job coaching services provided through the supported employment program (89 Ill. Adm. Code 530.130(a)(2)(B));

8) instruction provided by Rehabilitation Instructors and Mobility Instructors in the area of:

- A) activities of daily living;
- B) communications skills;
- C) adjustment counseling;
- D) adjustment counseling;

9) maintenance (for ill. Adm. Code 598 Subpart 1) and note taker services.

10) maintenance (for ill. Adm. Code 598 Subpart 1) and note taker services. (89 Ill. Adm. Code 598 Subpart 1) which are in support of an exempt service specified in subsections (a)(1) through (f) above.

b) When the Analysis indicates that the customer's spouse or parents or guardians of minor children are able to financially participate in the customer's program their participation is required.

a) The Analysis is based upon net available income which is the customer's and/or family unit's total income minus total outgo.

1) Total income equals gross income and unearned income less any deductions.

2) Total outgo equals the customer's outgo for the 12 months following completion of the Analysis.

3) Total outgo equals the Standard Budget Allowance (SBA) plus usual allowable expenses which the customer expects to pay within their month following the completion of the Analysis.

4) Net available income determines the dollar amount of customer participation (See Table A-7).

5) Private monetary merit awards (e.g. scholarship) contributions and gifts which are unrestricted as to use are not to be included as available income.

6) For the purpose of completing the Analysis determining if economic need exists, the following definitions/terms are applicable:

1) The family unit refers to the customer's spouse or parent or legal guardian of minor children or other family members residing in the household who are designated as dependents on the customer's spouse's or guardian's latest federal income tax return. Individuals eligible for a double exemption for blindness and/or age on the federal income tax return shall only be counted as one individual for the purpose of the Analysis.

2) Income includes the definition of gross adjusted income as used by the IRS in Internal Revenue Service (95-169-169-169) (1986) and as documented by the customer's (or customer's family's) most recent federal income tax return. The rule incorporated by reference does not include any later amendments or revisions. A copy of the page from the most recent federal income tax return showing adjusted gross income shall be attached to the Analysis.

3) The SBA is the figure established by BHS to be a reasonable

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- amount-to-cover-all-necessary-expenses-for-a-family-unit-of-a-specific-size-to-maintain-a-modest-standard-of-living--Unusual-Allowable-Expenses-are:
- 4) A) Deduction from a customer's income--to-treat-a-physical/mental condition--on-a continuing basis--only those costs exceeding \$400-per-year--paid-by-the-customer-and-not-covered-by insurance-or-other-sources-are allowable
 - B) medically-prescribed-diets-required-to-treat-a-physical condition--Only the costs of dietary foods-not-found-in-a grocery-store-are allowable
 - C) costs-of-disability-related-medical-supplies-and-prescribed medical-services-paid-by-the-customer-and-not-covered-by insurance-or-other-sources
 - B) post-secondary-education-expenses-paid-by-a-parent/guardian for-another-family-member-if-the-individual-is-claimed-as-a dependent-on-the-latest-federal-income-tax-return
 - B) expenses-related-to-the-purchase-of-a-van-as-set-forth-in 99-111r-Adm-Code-559418(b)
 - B) modifications-determined-to-be-reasonable-and-customer-developed-the-Individualized-Written-Rehabilitation-Program (IWRP)--(99-111r-Adm-Code-5522)--due-to-customer's disability-or
 - G) Assistive-Technology-Services
- e) Standard-Budget-Allowance-(SBA)
 1) The-SBA-is-as-follows:

NUMBER-OF DEDUCTIONS-CLAIMED ON-TAX-RETURN	9-AMOUNT-OF --ALLOWANCE
1	--\$2,247
2	--16,746
3	--26,969
4	--36,989
5	--46,991
6	--56,993
7	--66,993
8	--44,514

- 2) Add--\$4,184--for--each-additional-family-member--beyond--eight members

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 562.40 Financial Participation Parental-or-Guardian-Participation--in Completing-the-Financial-Analysis-Form

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- a) The Financial Analysis must be completed prior to the initiation of the IWRP (99-111r-Adm-Code-572) unless the IWRP is approved for the customer's individual case. The Financial Analysis must be completed for the customer's financial situation as listed in Section 562.30(b) of this Part.
- b) The Financial Analysis must be readministered at least annually and at any time there is reason to believe there is a change in the customer's financial situation which will affect customer financial participation.
- c) The Financial Analysis is completed by adding all customer and family earned and unearned income, subtracting the SBA for the customer's family size, and subtracting Unusual Allowable Expenses. The final product of these calculations shall be multiplied by 40% to determine the amount of required customer financial participation, if any.
- d) The customer and/or his/her family will also be asked, as part of the completion of the Financial Analysis, what, if any, voluntary financial participation they are willing to make towards the cost of the customer's rehabilitation.
- e) Failure on the part of the customer and/or the customer's family to provide the completion of the Financial Analysis or participate in the cost of services, if participation is indicated, shall be reason for DORS to deny all services except those listed in Section 562.30(b) of this Part.
- f) Falsification by the customer and/or the customer's family of information used to complete the Financial Analysis shall be grounds for immediate termination of services through DORS and may result in DORS taking legal action to recover monies previously expended by DORS in providing services to the customer.
- if--the-client-is-a-dependent-of-his/her-parents-or-guardian--the-parents-or-guardian-must-complete-the-Analysis-for-the-client-and-be-responsible-for-any indicated-financial-participation--A-client-is-a-dependent-of-parents-or-guardian-if-the-client:
- a) was-declared-a-dependent-on-the-latest-federal-income-tax-return-of the-parents-or-guardian--regardless-of-client's-age-or-phase-of-visibility
 - b) is-under-age-18--However-a-client-under-18-is-not-a-dependent-if-the-client:
 - 1) has-established-an-independent-living-pattern-(e.g.,-client-does-not-reside-with-parent-or-guardian-not-rely-on-parent-or-guardian-for-financial-support)-or
 - 2) has-been-adjudicated-by-a-court-to-be-an-emancipated-individual-or-is-married-and-is-living-with-parent-or-guardian

(Source: Old Section repealed, new Section added at 21 Ill. Reg. _____, effective _____)

Section 562.60 Consideration of Settlements from Litigation or Other Sources
 a) DORS may, at its discretion, seek reimbursement for previously

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provided services from a customer when a judgment is issued of a settlement is agreed upon which is a direct result of the litigation or other action related to the customer's disability and for which the services provided by DORS were judged or agreed compensable. DORS shall make no attempt to have a client reimburse the agency for the cost of the services provided. However, DORS will include the proceeds of these settlements as client income in determining financial participation (Section 562.70) for any new or continuing services.

- b) The rehabilitation counselor/instructor must inform DORS' Legal Division of any known Workers' Compensation proceedings or other litigation in which services provided by DORS at a measure of damages. At the time such a settlement is received, a new Analysis must be completed including the settlement amount as income less any unpaid allowable expenses. Client financial participation shall be determined based on the new Analysis. If the settlement is an indexed financial participation requires an amendment to the client's current Individual Written Rehabilitation Program (IWRP) (49 Ill. Adm. Code 562.70).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 562.70 Refusal to Financially Participate (Repealed)

If the client or family or guardian when required, refuses to provide information as required in this part of application (49 Ill. Adm. Code 562.70) or if the client or family or guardian refuses to participate in the IWRP or if the client or family or guardian is not willing to participate with an amount considerably below what is appropriate (Section 562.70(b)(4)), the counselor shall only develop an IWRP that does not require services conditioned on economic need (49 Ill. Adm. Code 562.70). If the client refuses to comply with the IWRP, the case will be closed for lack of cooperation.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 562.80 Timing of Financial Analysis (Repealed)

- a) Clients shall be informed of DORS policy regarding client financial participation as contained in this part of application (49 Ill. Adm. Code 562.70) and counselors shall complete the Analysis prior to completion of the IWRP and at anytime there is a change or reason to believe there is a change in the client's financial situation or that of the client's family or guardian as appropriate. A change in indexed financial participation requires an amendment to the client's current IWRP.

- b) In all cases the Analysis shall be completed annually to determine changes in the client's required financial participation (Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 562.90 Impact of Review of Financial Analysis

All changes indicated as a result of the completed Financial Analysis shall be effective from the date of the new Financial Analysis regardless of whether an increase or decrease in client financial participation is indicated.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 562, TABLE A Determination Table for Client Participation (Repealed)

NET-AVAILABLE	AMOUNT-OP	CHRYST-PARTICIPATION
\$-----0-99	\$--00-00	
100-199	00-00	
200-299	00-00	
300-399	00-00	
400-499	00-00	
500-599	00-00	
600-699	00-00	
700-799	00-00	
800-899	00-00	
900-999	00-00	
1000-1099	00-00	
1100-1199	00-00	
1200-1299	00-00	
1300-1399	00-00	
1400-1499	00-00	
1500-1599	00-00	
1600-1699	00-00	
1700-1799	00-00	
1800-1899	00-00	
1900-1999	00-00	
2000-2099	00-00	
2100-2199	00-00	
2200-2299	00-00	
2300-2399	00-00	
2400-2499	00-00	
2500-2599	00-00	
2600-2699	00-00	
2700-2799	00-00	
2800-2899	00-00	
2900-2999	00-00	
3000-3099	00-00	
3100-3199	00-00	
3200-3299	00-00	
3300-3399	00-00	
3400-3499	00-00	
3500-3599	00-00	
3600-3699	00-00	
3700-3799	00-00	
3800-3899	00-00	
3900-3999	00-00	
4000-4099	00-00	
4100-4199	00-00	
4200-4299	00-00	
4300-4399	00-00	
4400-4499	00-00	
4500-4599	00-00	
4600-4699	00-00	
4700-4799	00-00	
4800-4899	00-00	
4900-4999	00-00	
5000-5099	00-00	
5100-5199	00-00	
5200-5299	00-00	
5300-5399	00-00	
5400-5499	00-00	
5500-5599	00-00	
5600-5699	00-00	
5700-5799	00-00	
5800-5899	00-00	
5900-5999	00-00	
6000-6099	00-00	
6100-6199	00-00	
6200-6299	00-00	
6300-6399	00-00	
6400-6499	00-00	
6500-6599	00-00	
6600-6699	00-00	
6700-6799	00-00	
6800-6899	00-00	
6900-6999	00-00	
7000-7099	00-00	
7100-7199	00-00	
7200-7299	00-00	
7300-7399	00-00	
7400-7499	00-00	
7500-7599	00-00	
7600-7699	00-00	
7700-7799	00-00	
7800-7899	00-00	
7900-7999	00-00	
8000-8099	00-00	
8100-8199	00-00	
8200-8299	00-00	
8300-8399	00-00	
8400-8499	00-00	
8500-8599	00-00	
8600-8699	00-00	
8700-8799	00-00	
8800-8899	00-00	
8900-8999	00-00	
9000-9099	00-00	
9100-9199	00-00	
9200-9299	00-00	
9300-9399	00-00	
9400-9499	00-00	
9500-9599	00-00	
9600-9699	00-00	
9700-9799	00-00	
9800-9899	00-00	
9900-9999	00-00	

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Access to Information
- 2) Code Citation: 2 Ill. Adm. Code 1651
- 3) Section Numbers: 1651.110 Amendment
1651.120 Amendment
1651.220 Amendment
1651.220 Appendix A Repealed
1651.220 Appendix B Amendment
- 4) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- 5) Effective date of Rule: November 15, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: November 15, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 9710, July 26, 1996.
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences(s) between proposal and final version: The only changes made were in response to comments made by the Joint Committee on Administrative Rules. All changes were nonsubstantive and limited to grammatical and stylistic changes.
- 12) Have all the changes argued upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The form, Request for Public Records, Appendix A, has been repealed and Section 1651.220 has been amended to delete reference to this form. The form is unnecessary, and has not historically been required by CDB.
- 16) Information and questions regarding this adopted rule shall be directed to:

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED AMENDMENTS

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, IL 62706
217/782-2864

The full text of the adopted rule begins on the next page:

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE 2: MISCELLANEOUS OFFICE PROCEDURES
CHAPTER VII: CAPITAL DEVELOPMENT BOARD

PART 1651

ACCESS TO INFORMATION

SUBPART A: INTRODUCTION

Section
1651.110 Summary and Purpose
1651.120 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section
1651.210 Person to Whom Requests Are Submitted
1651.220 Form and Content of Request

SUBPART C: PROCEDURES FOR BOARD RESPONSE TO REQUESTS
FOR PUBLIC RECORDS

Section
1651.310 Timeline for Board Response
1651.320 Categories of Board Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
1651.410 Appeal of a Denial
1651.420 Executive Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section
1651.510 Inspection of Records at Board Offices
1651.520 Copies of Public Records
1651.530 General Materials Available from the Freedom of Information Officer

APPENDIX A Request for Public Records (Repealed)
APPENDIX B Fee Schedule for Duplication of Public Records

AUTHORITY: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 8 Ill. Reg. 9059, effective July 1, 1984; amended at 18 Ill. Reg. 13653, effective July 20, 1984; amended at 20 Ill. Reg. 13211.

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED AMENDMENTS

effective NOV 15 1996.

SUBPART A: INTRODUCTION

Section 1651.110 Summary and Purpose

- a) This part is established to implement the provisions of the Freedom of Information Act [5 ILCS 140] (Supp. to 111 Rev. Stat. 1993-ch-116-par-201-et-seq.). The purpose of these rules is to support the policy of providing public access to the public records of the Capital Development Board while protecting legitimate privacy interests and maintaining administrative efficiency, which the public may request and obtain from the public records of the Capital Development Board. These rules establish the procedure by which the public may request and obtain public records of the Capital Development Board. The rules set forth the procedures to be followed by the Capital Development Board in responding to requests for information.

(Source: Amended at 20 Ill. Reg. 15211, effective NOV 15 1996.)

Section 1651.120 Definitions

- a) Terms shall have the same meaning as in the Freedom of Information Act. And: the Capital Development Board Act [20 ILCS 3105] (111 Rev. Stat. 1993-ch-127-par-721-et-seq.) and in the rules promulgated under the Capital Development Board Act (111 Adm. Code--Chapter-17.

- b) The following definitions are applicable for purposes of these rules:

"Act" means the Capital Development Board Act [20 ILCS 3105] (111 Rev. Stat. 1993-ch-127-par-721-et-seq.).

"Board" means the Capital Development Board, created by the Act.

"Executive Director" means the chief executive officer of the Board, employed pursuant to Section 8 Paragraph-778 of the Act.

"FOIA" means the Freedom of Information Act [5 ILCS 140] (Supp. to 111 Rev. Stat. 1993-ch-116-par-201-et-seq.).

"Freedom of Information Officer" means an individual responsible for receiving and responding to requests for public records.

"Requestor" means a person who submits a request for public records in accordance with this Part these rules.

(Source: Amended at 20 Ill. Reg. 15211, effective NOV 15 1996.)

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED AMENDMENTS

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 1651.220 Form and Content of Request

- a) All requests for public records submitted to the Board under the FOIA shall be in writing. Such requests may be submitted on--FOIA--request forms provided by the Board--(See Appendix A of these rules)
- b) The requestor shall include the following information in any request for public records:
- 1) The requestor's full name, mailing address and telephone number, including area code, at which the requestor can be reached during normal business hours.
 - 2) A description of the public records sought, being as specific as possible.
 - 3) Whether the request is for inspection of public records, copies of public records, or both.

(Source: Amended at 20 Ill. Reg. 15211, effective NOV 15 1996.)

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED AMENDMENTS

Section 1551, APPENDIX A Request for Public Records (Repealed)

Requester: _____
 FREEDOM OF INFORMATION ACT REQUEST

Requester's Address: _____
 Capital Development Board
 3rd Floor - West - 6 - Stratton Bldg.
 481 South Spring Street
 Springfield, IL 62766

ADDRESS _____

NAME _____
 TELEPHONE _____

DESCRIPTION OF REQUESTED RECORD(S): _____

Please indicate if you wish to inspect the records identified above or wish to copy them: _____

_____ inspect _____ copy _____ Both

PER-001000-0000-0000

Date Received _____

(Source: Repealed at 20 Ill. Reg. 15211, effective

NOV 15 1996)

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED AMENDMENTS

Section 1551, APPENDIX B Fee Schedule for Duplication of Public Records

Type of Duplication _____ Per Copy Charge _____

Paper copy from paper original .25

Diazo copy of microfiche-per sheet 1.00

Paper copy from microfiche original-per page .50

Computer printout-paper-per page .50

Computer Diskette 3 1/2 inch \$25.00

Drawings (cost incurred by the Capital Development Board)

Some records in the possession of the Board are in book or pamphlet form. A charge may be assessed for such materials based on the cost incurred by the Board for such materials.

(Source: Amended at 20 Ill. Reg. 15211, effective NOV 15 1996)

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Asbestos Abatement Authority Act Procedures
- 2) Code Citation: 71 Ill. Adm. Code 500
- 3) Section Numbers: Adopted Action:
500.10 Amendment
500.30 Amendment
- 4) Statutory Authority: Implementing the Asbestos Abatement Authority Act [20 ILCS 3120] and authorized by Section 3 of that Act.
- 5) Effective date of Rule: November 15, 1996.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? Yes
- 8) Date filed in Agency's Principal Office: November 15, 1996
- 9) Notice of Proposal Published in Illinois Register: July 26, 1996; 20 Ill. Reg. 9717.
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between Proposal and final version: In Section 500.30, "and Referenced" was added after "Incorporated." Other changes made in response to comments made by JCAR were not substantive and limited to grammatical, punctuation and stylistic changes.
- 12) Have all the changes raised upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: To add incorporated and referenced material to recognize two new applicable federal laws and one new applicable Illinois statute.
- 16) Information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. C. Stratton Bldg.
Springfield, IL 62706
217/782-2864

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED AMENDMENT(S)

The full text of the adopted rule begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER 1: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER C: ASBESTOS ABATEMENT

PART 500

ASBESTOS ABATEMENT AUTHORITY ACT PROCEDURES

Section	Purpose
500.10	Definitions
500.20	Definitions
500.30	Incorporated and Referenced Material
500.40	Applicability
500.50	Variations
500.60	Identification of Asbestos
500.70	Abatement of Asbestos Hazards
500.80	Management of Asbestos in Place

AUTHORITY: Implementing the Asbestos Abatement Authority Act [20 ILCS 3120] and authorized by Section 3 of that Act.

SOURCE: Adopted at 17 Ill. Reg. 17908, effective October 4, 1993; amended at 20 Ill. Reg. 15218, effective NOV 15 1996.

Section 500.10 Purpose

These Asbestos Abatement Authority Act Procedures (Procedures) are established pursuant to the Asbestos Abatement Authority Act [21st Rev. Stat. 1997-chr 1377-pars. 3598-et-seq.] [20 ILCS 3120] requiring the Capital Development Board (Board or CDB) to develop and implement a program for the identification and abatement of asbestos in all State governmental buildings and to adopt rules and regulations consistent with this purpose.

(Source: Amended 20 Ill. Reg. 15218, effective NOV 15 1996.)

Section 500.30 Incorporated and Referenced Material

a) the following laws, regulations and rules are hereby incorporated--by reference as part of these Procedures:

- a) The following laws are referenced within this Part:
 - 1) Public Law 101-637, Asbestos School Hazard Abatement Reauthorization Act of 1990 (ASARA).
 - 2) Commercial and Public Building Asbestos Abatement Act [25 ILCS 250].
- b) The following rules, regulations, standards and guidelines are hereby incorporated by reference, as allowed by 5 ILCS 100/5-75, as part of these Procedures:

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Illinois Department of Public Health (IDPH) Rules and Regulations (77 Ill. Adm. Code 855) implemented and authorized by the Asbestos Abatement Act [21st Rev. Stat. 1997-chr 1377-pars. 1441-et-seq.] [105 ILCS 105].
 - 2) United States Environmental Protection Agency (USEPA) Asbestos Hazard Emergency Response Act (AHERA) rules (40 CFR 76.5 Subpart H) (1992, no subsequent amendments) and (1992, no subsequent amendments) (NESHAP).
 - 3) National Emission Standards for Hazardous Air Pollutants (NESHAP) rules (40 CFR 61 Subpart M (1992, no subsequent dates or editions)).
 - 4) Occupational Safety and Health Act (OSHA) rules (29 CFR 1910.1001 & 1926.1101 (1995, no subsequent dates or editions)).
- c) Copies of the incorporated materials are available for inspection and copying by the public at the Capital Development Board, 3rd Floor, Wm. G. Stratton Building, Springfield IL 62706.

(Source: Amended at 20 Ill. Reg. 15218, effective NOV 15 1996.)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Bidder Responsibility

2) Code Citation: 44 Ill. Adm. Code 950

3) Section Number: 950.310
Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and authorized by Sections 5 and 6 of the Illinois Purchasing Act [30 ILCS 505/5 and 6].

5) Effective date of Rule: November 15, 1996.

6) Does this rulemaking contain an automatic renewal date? No

7) Does this rule contain incorporations by reference? No

8) Date filed in Agency's Principal Office: November 15, 1996.

9) Notice of Proposal Published in Illinois Register: July 26, 1996; 20 Ill. Reg. 9721.

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: The only changes made were in response to comments made by the Joint Committee on Administrative Rules. All changes were not substantive and limited to grammatical and stylistic changes.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the amendment letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: To clarify that violation of suspension, modification, etc. imposed by CDB will result in extension of the terms of suspension, modification, etc. This reflects current practices.

16) Information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, Illinois 62706

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

217/782-2864

The full text of the adopted rule begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
 SUBTITLE B: SUPPLEMENTAL PROCUREMENT
 CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 950

BIDDER RESPONSIBILITY

SUBPART A: BIDDER RESPONSIBILITY

950.110	Purpose
950.120	Policy
950.130	Definitions
950.140	Special Projects
950.150	Confidentiality
950.160	Sources for Determining Responsibility
950.170	Processing of Contractor Bidder Responsibility and Renewal
950.180	Application
	Ineligibility

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF ABILITY TO BID, AND

CONDITIONAL RESPONSIBILITY DETERMINATION

950.200	Actions Affecting Responsibility
950.210	Causes for Suspension, Modification of Ability to Bid, or Conditional Responsibility Determination

SUBPART C: APPLICATION OF CDB ACTION

950.300	General
950.310	Violation of CDB Order
950.320	Nullification of Responsibility
950.330	Denial of Award of Contract
950.340	Debarment
950.350	Reapplication for Responsibility Determination
950.360	Extension of CDB Action
950.370	Effect on Current Contracts
950.380	Basis of Decisions
950.390	Settlement

SUBPART D: PROCEDURES

950.400	Review
950.410	Conference
950.420	Executive Director
950.430	Request for Reconsideration
950.440	Final Consideration
950.450	Burden of Proof

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

AUTHORITY: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and authorized by Sections 5 and 6 of the Illinois Purchasing Act [30 ILCS 505/5 and 6].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 290, effective February 17, 1981; amended and codified at 6 Ill. Reg. 20295, effective February 17, 1982; amended at 7 Ill. Reg. 3821, effective February 17, 1983; amended at 8 Ill. Reg. 3821, effective February 17, 1984; amended at 9 Ill. Reg. 10659, effective July 3, 1985; for a maximum of 150 days; amended at 9 Ill. Reg. 10659, effective July 3, 1985; amended at 9 Ill. Reg. 17321, effective October 29, 1985; amended at 12 Ill. Reg. 9860, effective May 27, 1988; amended at 16 Ill. Reg. 12424, effective July 28, 1992; Part repealed, new Part adopted at 19 Ill. Reg. 15607, effective November 2, 1995; amended at 20 Ill. Reg. 15222, effective NOV 15 1995.

SUBPART C: APPLICATION OF CDB ACTION

Section 950.310 Violation of CDB Order

When a contractor works as a subcontractor on a CDB project in violation of Section 950.300, or otherwise violates terms or conditions imposed by CDB, CDB may extend the term of suspension, debarment, nullification, modification, or conditional responsibility, or otherwise limit or condition the ability to bid on contracts with CDB.

(Source: Amended at 20 Ill. Reg. 15222, effective NOV 15 1995.)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Board Action2) Code Citation: 71 Ill. Adm. Code 103) Section Numbers: Adopted Action:

10-110 Amendment

10-120 Amendment

10-130 Amendment

10-140 Amendment

10-170 Amendment

10-180 Amendment

10-190 Repealed

4) Statutory Authority: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105].5) Effective date of Rule: November 15, 1996.6) Does this rulemaking contain an automatic repeal date? No7) Does this rule contain incorporations by reference? No8) Date filed in Agency's Principal Office: November 15, 1996.9) Notice of Proposal Published in Illinois Register: July 26, 1996; 20 Ill. Reg. 9725.10) Has JCAR issued a Statement of Objections to this rule? No11) Difference(s) between proposal and final version: The only changes made were in response to comments made by JCAR. All changes were not substantive and limited to grammatical and stylistic changes.12) Have all the changes urged upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this amendment replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Amendments: Amendments to the rule are for clarification and to reflect current practices.16) Information and questions regarding this adopted rule shall be directed to:Claire Gibson, Deputy Chief Counsel
Capital Development Board

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

3rd Floor, Wm. G. Stratton Bldg.

Springfield, Illinois 62706

217/782-2864

The full text of the adopted rule begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER 1: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER a: RULES

PART 10
BOARD ACTION

Section

10-110 General Policy

10-115 Agenda and Notice

10-120 Quorum

10-140 Vice-Chairperson & Secretary

10-150 Agenda and Order of Proceedings

10-160 Rules for Meeting

10-170 Board Action

10-180 Minutes

10-190 Revision of Rules (Repealed)

10-200 Litigation

AUTHORITY: Implementing and authorized by the Capital Development Board Act (20 ILCS 3105).

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 213, effective February 14, 1980; amended at 5 Ill. Reg. 1980, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20240, effective October 1, 1984; amended at 20 Ill. Reg. 15226, effective NOV 15 1984.

Section 10.110 General Policy

a) The Board shall conduct itself in accordance with the Open Meetings Act (5 ILCS 120) and all Act decisions of the Board shall be made pursuant to deliberations open to the public except to the extent permitted by Section 1-02 2 of the Open Meetings Act (4111-Brev-Stat-1983-CH-1827-Pars-427).

b) It is the policy of the Board to permit public participation at all public meetings of the Board.

c) The public shall have free access to the agenda of all open meetings of the Board. Any person may, upon application to the Board, receive such agenda as they are promulgated from time to time.

d) The public shall have free access to minutes of open meetings of the Board. Any person may, upon application to the Board, receive such minutes of open meetings of the Board. Any person may receive copies thereof at the cost of reproduction. The charge assessed shall be based on the reproduction charges set forth in 2 Ill. Adm. Code 1651, App. B.

(Source: Amended at 20 Ill. Reg. 15226, effective

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

NOV 15 1984

Section 10.120 Schedule and Notice

- a) Regular Meetings. The Board shall adopt prior to the beginning of each fiscal year a schedule of all its regular meetings which shall appear at least once in its minutes. The schedule shall include the dates, times and places of such meetings. This schedule shall be posted at the Board's executive office in Springfield. A copy of the schedule shall be mailed to each member of the Board. Requests should be mailed to Executive Director, Capital Development Board, 401 South Spring Street, Springfield, Illinois 62706.
- b) Special Meetings. Upon the request of two or more members of the Board, one of whom may be the Chairperson, the Board may hold a special meeting on call of the Chairperson. At least five days' written notice of the special meeting shall be given to the members. Such request of two or more members shall be evidenced by written application to the Chairperson. Notice each written notice shall be promulgated by the Executive Director upon direction of the Chairperson and shall be sent to each member by registered or certified mail. The meeting shall be effective upon the expiration of twenty-four hours after mailing.
- c) Public Notice. Public notice of all special meetings, rescheduled regular meetings or any reconvened meetings shall be given at least 48 hours in advance of each meeting by posting a copy of the notice at the Board's executive office, and by mailing to any person having made application.

(Source: Amended at 20 Ill. Reg. 15226, effective NOV 15 1984.)

Section 10.130 Quorum

Four members of the Board shall constitute a quorum, and four affirmative votes of a majority of those present shall be required for any final determination of the Board. The Chairperson shall have and exercise the same right and power to vote as other members. Neither the absence of the Chairperson nor any vacancy in the membership shall impair the right of a quorum of the members to exercise all of the rights and powers, and to perform all of the duties of the Board.

(Source: Amended at 20 Ill. Reg. 15226, effective NOV 15 1984.)

Section 10.140 Vice-Chairperson and Secretary

At the beginning of each fiscal year, the Board shall elect a Vice-Chairperson, who shall act for the Chairperson in the event of his/her absence or disability. If such election does not take place at the beginning of the

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

fiscal year, the incumbent Vice-Chairperson shall serve for the next year. At the beginning of each fiscal year, the Chairperson may shall designate a member of the Board to act as Secretary of the Board.

(Source: Amended at 20 Ill. Reg. 15226, effective NOV 15 1996)

Section 10.170 Board Action

- a) All final actions of the Board shall be evidenced by written resolution or memorandum motion, which shall be incorporated into the minutes of the meeting at which such action was taken. All resolutions and memorandums motions proposed but not adopted shall be incorporated into the minutes of the meeting at which such resolution or memorandum was adopted. For the purposes of this Section, a memorandum shall be defined as a document or documents that clearly indicate what the Board is being asked to approve. For example, a list of change orders submitted for Board approval shall suffice.
- b) Use of resolution format shall be restricted to highly important complex policy issues, when greater formality and permanence in force are desired. Routine matters such as meeting schedules, budgets, and requests for approval of contract provisions should be presented in memorandum form. Board approvals that are redundant of matters required by law shall not be in resolution format.
- c) Resolutions intended for short duration should contain an automatic repealer.
- d) Resolutions may be relegated to historic status as may be appropriate. Courtesy resolutions should be designated as such, and will immediately and automatically be classified as historic.

(Source: Amended at 20 Ill. Reg. 15226, effective NOV 15 1996)

Section 10.180 Minutes

The Chairperson shall designate a recording clerk who shall keep a complete and accurate record of all meetings, including the votes of individual members on all final actions resolutions adopted or not adopted.

(Source: Amended at 20 Ill. Reg. 15226, effective NOV 15 1996)

Section 10.190 Revision of Rules (Repealed)

Prior to any proposed revision, the Executive Director shall mail a written copy of the proposed revision to all user agencies which have requested such copies and shall provide such public notice and publication as is required by

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001.1 et seq.) as amended.

(Source: Repealed at 20 Ill. Reg. 15226, effective NOV 15 1996)

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Definitions
- 2) Code Citation: 44 Ill. Adm. Code 900
- 3) Section Numbers: Adopted Action:
900.110 Repeal
- 4) Statutory Authority: Implementing the Capital Development Board Act (20 ILCS 3105) and authorized by Section 1A-11 of that Act.
- 5) Effective date of Repealer: November 15, 1996.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: November 15, 1996.
- 9) Notice of Proposal Published in Illinois Register: July 26, 1996; 20 Ill. Reg. 9731
- 10) Has JCPR issued a Statement of Objections to this rule? No
- 11) Difference(s) between Proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? No changes were requested by JCPR.
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: Definitions will be included in the applicable Parts of the Capital Development Board rules, when needed.
- 16) Information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, Illinois 62706
217/782-2864

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Definitions
- 2) Code Citation: 71 Ill. Adm. Code 1
- 3) Section Numbers: Adopted Action:
1.110 Repeal
- 4) Statutory Authority: Implementing the Capital Development Board Act (20 ILCS 3105) and authorized by Section 1A-11 of that Act.
- 5) Effective date of Repealer: November 15, 1996.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: November 15, 1996.
- 9) Notice of Proposal Published in Illinois Register: July 26, 1996; 20 Ill. Reg. 9735.
- 10) Has JCPR issued a Statement of Objections to this rule? No
- 11) Difference(s) between Proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? No changes were requested by JCPR.
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: Definitions will be included in the applicable Parts of the Capital Development Board rules, when needed.
- 16) Information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, Illinois 62706
Telephone: 217/782-2864

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Hearing Procedures

2) Citation: 71 Ill. Adm. Code 100

Section Numbers:	Adopted Action:
100.110	Repeal
100.120	Repeal
100.130	Repeal
100.140	Repeal
100.150	Repeal
100.160	Repeal
100.170	Repeal
100.180	Repeal
100.190	Repeal
100.200	Repeal
100.210	Repeal
100.220	Repeal
100.230	Repeal
100.240	Repeal
100.250	Repeal
100.260	Repeal
100.270	Repeal
100.280	Repeal
100.290	Repeal
100.300	Repeal
100.310	Repeal
100.320	Repeal
100.330	Repeal

4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and authorized by Section 1A-11 of the Capital Development Board Act [20 ILCS 3105/1A-11].

5) Effective date of Repealer: November 14, 1996

6) Does this rulemaking contain an automatic renewal date? No

7) Does this repealer contain incorporations by reference? No

8) Date filed in Agency's Principal Office: November 15, 1996

9) Notice of Proposal Published in Illinois Register: July 26, 1996; 20 Ill. Reg. 9739.

10) Has JCAR issued a Statement of Objections to this rule? No

11) Difference(s) between proposal and final version: None

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED REPEALER

12) Have all the changes aired upon by the agency and JCAR been made as indicated in the airtment letter issued by JCAR? JCAR requested no changes.

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: This hearing rule is being repealed because it was unnecessarily complex and is being replaced with a new simplified version.

16) Information and questions regarding this adopted repealer shall be directed to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
Springfield, IL 62706
Springfield, IL 62706
217/782-2864

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Hearing Procedures
- 2) Code Citation: 71 Ill. Adm. Code 100
- 3)

Section Numbers:	Adopted Action:
100.110	New Section
100.120	New Section
100.130	New Section
100.140	New Section
100.150	New Section
100.160	New Section
100.170	New Section
100.180	New Section
100.190	New Section
100.200	New Section
100.210	New Section
100.220	New Section
100.230	New Section
100.240	New Section
100.250	New Section
100.260	New Section
100.270	New Section
100.280	New Section
100.290	New Section
- 4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and authorized by Section 1A-11 of the Capital Development Board Act [20 ILCS 3105/1A-11].
- 5) Effective date of Rules: November 15, 1996.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: November 15, 1996.
- 9) Notice of Proposal Published in Illinois Register: July 26, 1996; 20 Ill. Reg. 9753.
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version:

In Section 100.260 g) replaced "without" with "with". Other changes made were in response to comments made by JCAR. The changes were not substantive and limited to grammatical and stylistic changes.

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED RULES

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This rule replaces old hearing rules. The new rules are designed to speed up the hearing process, reduce the time to settlement, and contain short but reasonable time limits to speed up the process to the greatest extent possible.
- 16) Information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, Illinois 62706
Telephone: 217/782-2864

The full text of the adopted rule begins on the next page:

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED RULES

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER 1: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER a: RULES

PART 100
HEARING PROCEDURES

Section
100.110 Applicability
100.120 Request for Hearing
100.130 Waiver
100.140 Settlement
100.150 Request for Hearing
100.160 Hearing Officer
100.170 Submittal of Documents
100.180 Conference
100.190 Notice of Hearing
100.200 Costs of Hearing
100.210 Disqualification of Officer
100.220 Hearings
100.230 Board Documents
100.240 Powers of the Hearing Officer
100.250 Burden of Proof
100.260 Duties of the Hearing Officer
100.270 Executive Director's Decision
100.280 Petition for Reconsideration
100.290 Final Consideration

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and authorized by Section 1A-11 of the Capital Development Board Act [20 ILCS 3105/1A-11].

SOURCE: Adopted at 8 Ill. Reg. 20269, effective October 1, 1984; amended at 9 Ill. Reg. 17306, effective October 29, 1985; Part repealed, new Part adopted at 20 Ill. Reg. 15238, effective NOV 15 1986.

Section 100.110 Applicability

These rules, in addition to Article 10 of the Illinois Administrative Procedures Act [5 ILCS 100/Art. 10], shall apply to contested cases of final Board actions, when the Board determines that a hearing is required by law. At its sole discretion, the Board may grant a hearing when not required by law, but such grant shall not set any precedent, nor shall it act as a waiver of any portion of this Part.

Section 100.120 Request for Hearing

CAPITAL DEVELOPMENT BOARD
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Requests for hearing shall be submitted to the Executive Director in writing within 30 days after the final agency action at issue, and shall clearly state the agency action being complained of and the reasons for the complaint, and shall include supporting documentation. A request shall be granted or denied within 30 days after receipt.

Section 100.130 Waiver

Compliance with any provisions of this Part may be waived or altered by written stipulation of all parties. The parties shall, to the greatest extent possible, exercise good faith efforts to agree to utilize informal procedures to promote speedy, economical resolution.

Section 100.140 Settlement

Issues may be resolved in whole or in part by settlement or stipulation among any or all parties at any time prior to, during, or following the hearing.

Section 100.150 Representation

Natural persons may represent themselves or be represented by an attorney. Businesses or other organizations may be represented by a duly appointed officer, owner or employee, or by an attorney. Attorneys shall be licensed in Illinois and shall file a notice of appearance with the Executive Director or, if one has been appointed, with the hearing officer.

Section 100.160 Hearing Officer

The Board shall appoint a hearing officer within 10 days after granting a hearing. The officer shall be an attorney licensed in Illinois who is not an employee of CDB, nor currently under contract with CDB except as a hearing officer in another case.

Section 100.170 Submittal of Documents

Once a hearing officer is appointed, all documents submitted by the parties in the matter shall be submitted to him/her until the Executive Director renders a decision.

Section 100.180 Conference

Within 10 days after his/her appointment as the hearing officer, the officer shall send notice of a conference among all parties for the purpose of discussing the proceedings and promoting settlement by other methods, which may include mediation. Such conference shall be scheduled not less than 10 days after notice, nor more than 30 days after notice.

Section 100.190 Notice of Hearing

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Section 100.290 Final Consideration

Following completion of all other administrative procedures provided herein, a complainant may petition the Capital Development Board for final consideration by the Board of the Executive Director's decision. The petition shall be filed within 10 days after receipt of the Director's decision on the request for reconsideration. The petition shall state the perceived errors and reasons for those errors. The petition shall be heard at the Board's next regularly scheduled meeting, provided the meeting is at least 20 days after the date CDB received the petition. Petitions the Board deems frivolous or patently without merit may be rejected without further hearing. The complainant shall appear at the meeting and present its case in an informal manner to the Board. The individual(s) who filed the petition may ask questions as appropriate. The Board shall issue its final decision within 30 days.

CAPITAL DEVELOPMENT BOARD
NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Project Procedures
- 2) Code Citation: 71 Ill. Adm. Code 20
- 3) Section Numbers: Adopted Action:
20.110 Repeal
- 4) Statutory Authority: Implementing the Capital Development Board Act (20 ILCS 3105) and authorized by Section 1A-11 of that Act.
- 5) Effective date of Repealer: November 15, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: November 15, 1996
- 9) Notice of Proposal Published in Illinois Register: July 26, 1996; 20 Ill. Reg. 9760
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the statement letter issued by JCAR? No changes were requested by JCAR.
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: The rule was obsolete.
- 16) Information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, IL 62706
217/782-2864

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Standards for Award of Grants: Elementary and Secondary Schools Capital Assistance Program

- 2) Code Citation: 71 Ill. Adm. Code 40

- 3) Section Numbers: Adopted Action:

40.110 Amendment

40.120 Amendment

40.130 Amendment

40.140 Amendment

- 4) Statutory Authority: Implementing the Capital Development Board Act (20 ILCS 3105) and authorized by section 1A-11 of that Act.

- 5) Effective date of Rule: November 15, 1996.

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: November 15, 1996.

- 9) Notice of Proposal Published in Illinois Register: July 26, 1996; 20 Ill. Reg. 9764.

- 10) Has JCPR issued a Statement of Objections to this rule? No

- 11) Difference(s) between proposal and final version: The only changes made were in response to comments made by the Joint Committee on Administrative Rules. All changes were not substantive and limited to grammatical and stylistic changes.

- 12) Have all the changes agreed upon by the Agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes

- 13) Will this amendment replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: To clarify that CDB does not determine the Grant Index, and that the Illinois State Board of Education does.

- 16) Information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.

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NOTICE OF ADOPTED AMENDMENT(S)

Springfield, Illinois 62706
217/782-2864

The full text of the adopted rule begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY

CHAPTER 1: CAPITAL DEVELOPMENT BOARD

SUBCHAPTER a: RULES

PART 40

STANDARDS FOR AWARD OF GRANTS

ELEMENTARY AND SECONDARY SCHOOLS CAPITAL ASSISTANCE PROGRAM

Section

40.110 General Statement

40.120 Planning Assistance Grants

40.130 Construction Grants

40.140 Debt Service Grants

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 1A-11 of that Act.

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 5 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 5 Ill. Reg. 30, p. 140, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20349, effective October 1, 1984; amended at 9 Ill. Reg. 17345, effective October 29, 1985; amended at 13 Ill. Reg. 6973, effective April 21, 1989; amended at 20 Ill. Reg. 15244, effective NOV 15 1996.

Section 40.110 General Statement

a) The Board will make no grant awards prior to compliance by the school district with the State Board of Education regulations for grant entitlement (see 20 ILCS 3105/A-1.1) (111-Rev-Stat-1989-eh-1277 par-78927-1).

b) Simultaneous with the submission of applications and district facility plans to the State Board of Education, such documents shall be submitted to the Capital Development Board. The Board shall be provided additional information in those areas in which the applications and facilities plans do not include all data necessary to fully evaluate the building needs, based on projected enrollment and anticipated program. The Board shall request submission of additional information related to projected enrollment and anticipated program where the application and facilities plans need further clarification, contain discrepancies in information and/or are missing information needed to fully evaluate the building needs.

c) School districts failing to provide the local share of funds within the time period set forth in Section 40.130(b)(9)(C) shall lose their priority standing and must reapply in the next fiscal year.

d) The Board will construct and rehabilitate schools according to the building code as established and approved by the State Board of Education (see 105 ILCS 5/33-10) (111-Rev-Stat-1989-eh-1277 par-78927-1).

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(Source: Amended at 20 Ill. Reg. 15244, effective NOV 15 1996)

Section 40.120 Planning Assistance Grants

a) The purpose of a Planning Assistance Grant is to enable a school district to develop a school construction project program for design implementation. Planning Assistance Grants may be given for such activities as:

1) Analyzing and determining specific school construction needs, including estimates and scope for remodeling and/or rehabilitation of existing facilities;

2) Technical evaluation of sites for construction;

3) Health and Life/Safety surveys of specific facilities for which districts intend to request a School Construction Grant;

4) Construction program statement development to establish the functional relationships, work patterns, and traffic flow required by the project.

b) The amount of funds available for Planning Assistance Grants shall be a percentage of the appropriations made pursuant to the School Construction Bond Act [30 ILCS 390] (111-Rev-Stat-1983-eh-1227 par-1281-et-seq) as determined by the Board but may not exceed 2% of such appropriations.

c) The implementation of the planning process must emphasize community and State Board of Education participation.

d) The Recognized Planning Cost shall be determined by the Board. The State's share of the Recognized Planning Cost (RPC) may not exceed the RPC multiplied by the district's Grant Index as determined and provided by the Illinois State Board of Education. The district's share shall equal the balance of the RPC plus any services ineligible for State participation and requested by the district.

e) When favorable conditions exist, the Board may, at its discretion, provide Planning Assistance Grants to local school districts must provide the district's share of the Total Planning Project Cost by depositing same in the State Treasury or by establishing a local trust account pursuant to 71 Ill. Adm. Code 30.

f) Supervision of grant disbursement and contractual obligations shall be the responsibility of the Board.

(Source: Amended at 20 Ill. Reg. 15244, effective NOV 15 1996)

Section 40.130 Construction Grants

Prior to the award of a construction grant, school districts shall meet the following requirements:

a) Program Statements must be submitted to the Board for proposed

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facilities and sites requiring Capital Assistance Program (CAP) funding. Program Statements must conform to the CAP Guidelines for Program Statements as developed by the Board and which will address, but not be limited to, the following:

- 1) Project Rationale
- 2) The Community
- 3) Education Plan
 - A) Curriculum plan
 - B) Instruction method
 - C) School plans
- 4) General Building Considerations
- 5) Site Analysis
- 6) Spatial Relationships
- 7) Spatial Measurements
- 8) Cost Estimates and Funding Sources
- 9) Time Schedule of Major Events

b) Standards for School Site Selection and Approval

- 1) The local school board shall select the sites for all new proposed school buildings. The Board must meet the minimum engineering and construction standards or requirements.
- 2) The Board will not approve a new site until the applicant district has informed the chief executive officer of the local government unit within whose jurisdiction the proposed site lies and has obtained any necessary approval of the district's plans as they may affect or be affected by the plans and policies of the local government.

3) Equal Educational Opportunity

The proposed site must support legitimate efforts to eliminate racial segregation and to ensure that the school must, at minimum, be approved by the State board of Education in this respect.

4) Suitability for Development and Construction

A) The site must be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays in project completion, or cause other significant problems. The proposed site must be suitable for construction* shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving. The local district shall provide a report, acceptable to the Board, on soil conditions based on the removal of soil for testing. The cost to the local school district of the soil test and report of that test shall be considered as a credit to the local share of the

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recognized project cost if the site is approved and a grant award is made.

- B) The site must not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. Such hazards and nuisances may include, but are not necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, floods, ground water incursions, and other explosions, and electrical discharges.

5) Availability of Sites

- A) The local district shall have a period of 150 days from the time of grant award to acquire title to the site, or rights of use and exclusion sufficient to carry out the purposes and programs of the school. Such time period may be extended for 60 days by the Executive Director. Any further extension must be approved by the Board. Extensions will be granted in those cases in which there is a reasonable expectation that the district will be able to acquire the site within the period of the extension and the delay has been caused by conditions beyond the control of the district, such as a delay in acquiring title commitment.
- B) A grant will not be awarded until the Board has had a reasonable opportunity to enter upon the site, inspect it in detail, and conduct whatever site tests are deemed necessary to establish the suitability of the site for school purposes.

- C) The Board will not approve a site unless its development and use for the proposed school is in compliance with local zoning laws, or unless action has been taken to bring variation of same into compliance, or such action was taken.

- D) Written testimony of the school district, or such action will be required prior to start of construction, the local district must present documentation that such actions will be approved by the responsible local governmental units before the Board will approve the site.

6) Site Size and Configuration

- A) The proposed site must contain usable space sufficient in size and of regular configuration so as to accommodate the school's on-site program as well as to accommodate ancillary functions that are better served on-site than off-site, such as parking bus loading and unloading, loading and unloading of materials, and pedestrian movement between different points on the site.
- B) The school's on-site program shall be defined to include the school's instructional program and any other activities and events the applicant school district plans to conduct on the site. The applicant may tailor its on-site program to fit the site proposed, but the Board will not approve a site that is insufficient to accommodate a program that is

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standard for the district as a whole, nor will the Board approve a site that does not permit full compliance with program standards as embodied in Section 2-3.25 of the School Code [105 ILCS 5/2-3.25] (Eff. Rev. Stat. 1989, Ch. 240, Part 2-3.25) and determined by the State Board of Education. The adequacy of the site for the district's school in terms of the number of students shall be based on the design capacity of the school building.

C) Space for Buildings

In addition to those portions of the site required for other purposes, there must be a portion or portions of the site that are of such size, shape and physical quality that they are sufficient to accommodate the buildings that would be required by the maximum design enrollment of the school. This "building reserve" must be at least sufficient in ground area to provide for gross floor space, as set forth in the section on space standards for new construction, Section 40.130 (b)(6)(D). For facilities with more than one floor the "building reserve" must be at least sufficient in ground area to provide for one-half the gross floor space.

D)

At a minimum, the site must provide the following amounts of space (in addition to that reserved for buildings to meet "Special Requirements" as defined in Section 40.130(b)(6)(E) following) of a shape, character and location that they can readily be improved to provide areas suitable for physical education and recreation, any planned accommodation of vehicles, and the accommodation of outdoor access, circulation and evacuation:

Minimum Usable Area for Non-Building Needs				
School Grades	Sq. Ft. Student	200	500	1000
K-6	113	.52	1.30	2.59
7-9	143		1.64	3.28
10-12	195		4.48	8.95
				13.43

ii) For additions to existing schools, the addition should not be planned on existing open space and/or playground area of existing schools, unless it can be demonstrated that the construction of the addition will not reduce the amount of space necessary to fulfill the program and provide adequate recreational space.

iii) In those instances where a combination of the above

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minimum area requirements results in a total minimum requirement less than 1.5 acres, 1.5 acres shall be considered the minimum acceptable acreage.

E) Special Requirements
The above are minimums for usable area. However, in respect of these minimums, the site must be of sufficient size to provide for the following needs as indicated:

i) Space for Outdoor On-Site Program
There must be a portion or portions of the site, in addition to those reserved for other purposes, that are of such size, shape and physical character that they can be readily improved to accommodate the safe conduct of the outdoor portions of the on-site school program. The site must permit the safe conduct of a physical education program that meets district standards, taking into account the varying physical capacities of students, types and amounts of activities in the physical education program, and the daily and yearly time schedule of the school.

ii) There must be portions of the site, in addition to those necessary for other purposes, that are of such size, shape, physical quality and location that they can provide spaces for vehicles as indicated below without contravening local zoning ordinances: safe loading and unloading areas for school buses, where areas are necessary to the safety of students from street traffic; secure and convenient parking spaces for staff, visitors, and students in conformance with district policies; and safe accommodation of delivery and service vehicles involved in serving the school.

iii) Access, Circulation, Evacuation Assembly
There must be portions of the site of such size, shape, physical quality and location that they can provide the necessary circulation and evacuation of escape from the exits of all proposed buildings and the areas adjacent to buildings in the event that evacuation is necessary; safe and convenient circulation by students between and among the building(s) and outdoor activity areas of the site; safe accommodation for the unsupervised outdoor assembly of students and their pastimes before school, after school, at lunch breaks and at recesses; safe accommodation of the outdoor assemblies of students and spectators occasioned by school-sponsored spectator events to be held on the site.

F) Variance of Site Size and Configuration

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The Board will approve a proposed site which does not meet the minimum requirements of Section 40.130(b)(6)(A)-(E) when all the following criteria have been met:

- i) The proposed site meets the State Board of Education and the Board for Local School Districts minimum requirements of Section 40.130(b)(6)(A)-(E) variance with specifically the reasons for such variance.
 - ii) The local school board certifies to the Board that the requested variance will not place the facility in noncompliance with the educational program standards as described in Section 2-1.25 of the School Code [105 ILCS 5/2-3.25] until Rev-Stat-9997-dhr--4287-par 2-3755 or with any federal laws or regulations.
 - iii) The State Board of Education certifies to the Board that the proposed site meets the minimum requirements of the program standards of the State Board of Education as described in 23 Ill. Adm. Code, Subtitle A, Chapter I and the State Board of Education identifies in its certification which of the minimum requirements is to be varied and to what extent.
- 7) Utilities and Services
- A) Water Supply

Water must be available at the site in sufficient volume and delivery rates and of appropriate quality to serve the firefighting needs of the proposed school as well as to accommodate other forms of water consumption.
 - B) Sanitary Sewage Disposal

The location and character of the site must not prevent the disposal of sanitary sewage from the school.
 - C) Storm Water Disposal

The location or character of the site must not prevent the disposal of storm water from the school.
 - D) Electric, Power, Telephone, Gas

The site must present no obstacles to the provision of electric power, telephone services, and whatever gas service the school may require at the point in the construction process when utility hook-ups are made.
 - E) Solid Waste Management Systems

Solid waste management services must be available to the site.
- 8) Architect-Engineer Selection
- The selection of an architect-engineer shall be in accordance with 44 Ill. Adm. Code 1000.110. Grants will not be awarded to local school districts which have contracted with an architect or engineer unless the selection of the architect or engineer has been previously approved by the Board.
- 9) State and Local Financial Participation in School Construction

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Projects-

- A) Determination of Recognized Project Cost

The Board shall determine the project cost which shall include unit cost (\$/sq.ft.) as follows: buildings constructed to the five foot line, design and construction contingencies, building fixed equipment; plus additional associated costs as deemed appropriate by the Board in consultation with local school districts as follows: site improvements including related A/E fees and reimbursements, land acquisition and associated legal fees for the project site acquired, movable equipment, and utility service lines, both on-site and off-site, and special foundation construction and related A/E fees deemed necessary as a result of unusual circumstances.

The Board shall establish unit cost limitations for elementary, secondary and vocational school construction based upon periodic review and revision of maximum cost per gross square foot allowances.
- B) Space Standards for New Construction
 - i) New schools with adequate space for all necessary instructional and ancillary activities require more space per students than additions to existing schools. Different space standards are required to accommodate different grade levels, i.e., K-6, 7-9, and 10-12. Economies of scale in terms of space per student can be anticipated for design and construction of schools for 100 to 200 students. The Board shall establish space allowances for 180 elementary students, 200 junior high students, and 450 senior high students, except under unusual circumstances.
 - ii) The following maximum standards are established for the determination of the State share of the recognized project cost in connection with a construction grant:

New Elementary School	K-6
Gross sq. footage per student	76
Gross sq. footage per additional student beyond 240 students	62
New Junior High School	7-9
Gross sq. footage per student	120

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Gross sq. footage per
additional student beyond 400
students

100

New High School

109-12

Gross sq. footage per student

140

Gross sq. footage per
additional student beyond 600
students

110

- C) For new additions to existing buildings total projects should be planned for not less than the gross space for 150 students. Multiple sites may be considered, but no less than 50 students at any one site. Space standards for additional space not exceed those for new buildings as detailed in subsection (2)(B) above. Unless a variance is granted by the Board based on evidence of projected enrollments and space needs presented by the user agency, space standards should equal those set forth in subsection (2)(B) above for additional students beyond the base numbers of 240 students for elementary, 400 students for junior high and 600 for new high schools. Applications from school districts over 500,000 inhabitants should be limited to those projects planned for new construction or large additions (over 450 pupils) for the project year.

- D) The recognized project cost for remodeling/ rehabilitation projects must be developed on an individual basis with space per student not to exceed standards set for construction of building additions as set forth in subsections (2)(B) and (C) above. Projects not to exceed standards for new construction as established from time to time by the Board.

- E) Premises for Space Standards shall be included for
i) All necessary types of space shall be included for freestanding schools.
ii) An average space-per-student can be derived from space type need by level: elementary, junior high and high school.

- iii) Space needs for additions to existing schools may be less than needs for freestanding schools.
iv) A building efficiency (net assignable space to total space) of 65% is the acceptable minimum.
v) Unit costs (\$/sq.ft.) used for determining the recognized project cost, including A/E design fees, building construction to the five foot line, fixed equipment, associated legal fees and a contingency shall be no greater than those unit costs established

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from time to time by the Board. Said unit costs are determined as needed and are established by resolution of the Board. In establishing unit costs the Board shall consider all grant-related costs within the construction industry and the cost of receiving fair value for public funds expended.

- F) Limits on CAP Participation and Site Cost
Districts will not receive Board assistance or credit for acreages beyond the following maximums:
Elementary - 5 acres plus 1 acre per 100 students,
Junior High - 20 acres plus 1 acre per 100 students, and
High School - 30 acres plus 1 acre per 100 students.
G) The State and local share of the recognized project cost shall be computed by multiplying the recognized project cost by the Grant Index. Local districts must provide the district share of the recognized project cost through bond referendum or other means within 90 days of the grant award by the Board. Such period may be extended by the Executive Director for that maximum period of 30 days if the district demonstrates that it is unable to obtain the necessary funds to obtain the district's share of the recognized project cost and that an additional 30 days is necessary to complete the process. Local school districts are urged to begin referendum proceedings upon grant entitlement by the State Board of Education.
H) The district share of the recognized project cost shall be placed in a local trust account pursuant to 71 Ill. Adm. Code 30.
I) School districts may add to a project cost beyond the recognized project cost with local district funds. Funds for such project supplements must be deposited in inviolable trust accounts.
J) To insure that State funds are applied only to the recognized project cost, the percentage of the architect's design estimated by a third-party contractor, recognized and determined by the State Board of Education, shall be recognized and supplemental project costs. The actual recognized project cost as derived from the above bidding will be multiplied by the grant index to determine the final dollar amounts to be paid by the State and local school districts. The supplemental project cost will be paid by the local school district as specified in subsection (2)(1) above. Any savings realized in bidding shall be equitably distributed between the State and the local school district.

(Source: Amended at 20 Ill. Reg. 15244, effective NOV 15 1996)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Section 40.140 Debt Service Grants

- a) The Board shall verify amount of principal and interest due in the fiscal year that the application is received.
- 1) School districts shall submit to the Board a list of bonds eligible for participation as defined in the Capital Assistance Program guidelines.
- 2) Eligible bonds must have principal and interest payments due during the current program year.
- 3) The Board shall issue a letter of certification, certifying the principal and interest payment due during the current fiscal year for eligible participation, shall be submitted to the Board.
- b) The Board shall determine, according to the provisions of Sections 1A-5.1 through 1A-11 of the "Capital Development Board Act" (20 ILCS 3105/1A-5.1 through 1A-11) (1993--Rev--Stat--1993--Ch--127--Par 993-3 through 993-11), the amount to be awarded.
- c) Applications for debt service must be made by school districts for each year of this Capital Assistance program.
- d) Bond funds needed for the local school district's share or replacement cost of a project being constructed through a Capital Assistance Program construction grant shall be ineligible for a Debt Service Grant.
- e) Bond funds not used to finance school construction shall be ineligible for funding under the Debt Service Program.

(Source: Amended 20 Ill. Reg. 15244, effective
 NOV 15 1996)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Telephone Assistance Program

2) Code Citation: 83 Ill. Adm. Code 757

3) Section Numbers: Adopted Action:

757.10	Amendment
757.100	Amendment
757.105	Amendment
757.110	Amendment
757.115	Amendment
757.120	Amendment
757.125	Amendment
757.130	Amendment
757.135	Amendment
757.200	Amendment
757.205	Amendment
757.210	Amendment
757.215	Amendment
757.220	Amendment
757.225	Amendment
757.230	Amendment
757.235	Amendment
757.240	Amendment
757.245	Amendment
757.300	Amendment
757-Exhibit A	Amendment
757-Exhibit B	Amendment
757-Exhibit C	Amendment

4) Statutory Authority: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/13-301, 13-301.1 and 10-101).

5) Effective Date of Amendments: December 1, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes, JCAR approval not needed for this incorporation.

8) Date Filed in Agency's Principal Office: November 7, 1996

9) Notice of Proposal Published in Illinois Register: June 14, 1996, at 20 Ill. Reg. 7708.

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: In Section 757.200, delete originally proposed language at subsection (d) and replace with the following:

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NOTICE OF ADOPTED AMENDMENTS

d) Limitation of waiver

- 1) If the Commission determines that a waiver of all or a portion of the local exchange service obligation should be provided by the UTSP, the Commission may, if it deems necessary, limit eligibility to:

- A) one or more of the individual Proxy Programs administered by the Department, as identified in the definition of "Proxy Programs" in Section 757.10, or
 - B) one or more subprograms within, or components of, an individual Proxy Program.
- 2) Any proposals to limit eligibility pursuant to this subsection (d) shall be made as part of the petition filed annually under subsection (b) of this Section.
- 3) The Commission shall adopt a proposal that limits eligibility for a waiver of all or a portion of the local exchange service obligation to one or more Proxy Programs or subprograms or components thereof pursuant to this subsection (d) only if it finds that:

- A) participation in the Proxy Program, subprogram, or component thereof can be verified through inquiry to the facilities maintained by the Department;
- B) the funds available to the UTSP from voluntary contributions are projected to permit the UTSP to provide the proposed assistance by means of a waiver of all or a portion of the local exchange service obligation to all subscribers or all new subscribers within the Proxy Program, subprogram, or component on an ongoing basis;
- C) the proposal will increase accessibility to telephone service; and
- D) the proposal adequately considers the needs of and potential benefits to participants in the Proxy Programs.

- 12) Have all the changes aired upon by the agency and JCMA been made as indicated in the agreement letter issued by JCMA? Yes

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any amendments pending on this Part? No

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NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: On November 7, 1995, the Universal Telephone Service Corporation (UTSP) filed a petition with the Commission to amend 83 Ill. Adm. Code 757. Part 757 governs the administration of the Universal Telephone Service Assistance Program (UTSAP). In summary, the adopted amendments based upon the rule changes proposed by UTSP would permit the Commission, in its orders determining the form and amount of the supplemental assistance, to further narrow the eligibility pool for a monthly assistance program to individual Proxy Programs (or subgroups within a Proxy Program); permit small LECs (now defined as under 35,000 access lines, consistent with the amendment to 220 ILCS 5/13-504) to report expenses and remit contributions quarterly rather than monthly; eliminate use of one reporting form for small LECs; remove the requirement for a hearing on every supplemental assistance petition; permit LECs to subtract supplemental assistance, but not administrative expenses, from the voluntary contributions remitted to the pooled fund administrator; update and streamline the reporting forms; change the filing requirement for determination of the form and amount of supplemental assistance from every month to annually; and, lastly, amend and reauthorize the Commission to apply for federal matching funds for a monthly assistance program.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 785-8439

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER 1: TELEPHONE UTILITIES

PART 757

TELEPHONE ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
757.10
757.15

Definitions
Dispute Procedures

SUBPART B: LIFELINE CONNECTION ASSISTANCE PROGRAM

Section

757.100 Service Requirement
757.105 Recovery Mechanism
757.110 Publicity
757.115 Application Procedure and Processing
757.120 Filing Requirements
757.125 Eligibility
757.130 Income Certification

SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section

757.200 Service Requirement
757.205 UTSP Funding
757.210 UTSP Recovery
757.215 UTSP Administrator
757.220 UTSP Publicity
757.225 UTSP Eligibility
757.230 UTSP Application Procedure and Processing
757.235 UTSP Income Certification
757.240 Recertification
757.245 UTSP Filing Requirements

SUBPART D: STAFF LIAISON

Section

757.300 Staff Liaison

EXHIBIT A LSC Quarterly Report to Commission

EXHIBIT B Monthly LSC Waiver Costs/Contributions

EXHIBIT C Quarterly UTSP Administrator Report to Commission

EXHIBIT D LSCMP Recertification Ineligibility Notice

Reporting

East/Revenue

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EXHIBIT E Telephone Assistance Programs Certification Form

AUTHORITY: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/13-301, 13-301.1, and 10-101).

SOURCE: Adopted at 13 Ill. Reg. 14366, effective October 1, 1989; amended at 14 Ill. Reg. 17923, effective October 15, 1990; emergency repealer at 15 Ill. Reg. 5082, effective March 25, 1991, for a maximum of 150 days; repealed at 15 Ill. Reg. 11929, effective August 12, 1991; adopted at 16 Ill. Reg. 17981, effective December 15, 1992; amended at 20 Ill. Reg. 15067, effective December 15, 1993.

SUBPART A: DEFINITIONS GENERAL PROVISIONS

Section 757.10 Definitions

For the purpose of this Part:

"Act" means the Public Utilities Act (220 ILCS 5) ~~title--Rev--Statv~~ ~~1987-chr-tit-2/3-par-1-tit-et-seqr7~~.

"Commission" means the Illinois Commerce Commission.

"Customer service center" means any office, operated by a local exchange carrier, where applications for service can be made in person.

"Department" means the Illinois Department of Public Aid.

"Eligible new subscriber" is an applicant for local exchange service who meets the eligibility guidelines set forth in Section 757.125 with respect to Subpart B and Section 757.225 with respect to Subpart C.

"Eligible subscriber" is any individual currently subscribing to local exchange service who meets the eligibility guidelines set forth in Section 757.125 with respect to Subpart B and Section 757.225 with respect to Subpart C.

"Installation charge" means those tariffed charges assessed for connecting an eligible new subscriber to the network. These charges do not include security deposit requirements.

"LSC" means "local exchange carrier" which is a telecommunications carrier providing local service as defined in Section 13-204 of the Act (220 ILCS 5/13-204) ~~title--Rev--Statv~~ ~~1987-chr-tit-2/3-par-1-tit-et-seqr7~~.

"Lifeline Connection Assistance program" or "Lifeline" means the

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Lifeline Connection Assistance program established at 47 CFR 36.701 et seq., as of October 1, 1995 1996, and in which all Illinois LECs BBE's shall participate as provided in Section 757.100.

"Local exchange service obligation" means those tariffed charges assessed on a monthly basis for access to the network. These charges do not include taxes.

"Local Exchange Service Obligation Waiver Program" or "LESOWP" means that part of the Universal Telephone Service Assistance Program described in Section 757.200(G)(2) in which LECs BBE's shall participate under Section 757.200(G)(7).

"Medical card" is a card issued by the Department which certifies that the holder is a participant in a proxy program.

"NECA" means the National Exchange Carrier Association, established at 47 CFR 69.601 et seq. as of October 1, 1995 1996.

"Program" or "plan" means the telephone assistance programs in which all Illinois LECs BBE's shall participate as provided in Sections 757.100 and 757.200.

"Proxy Program(s)" include the following assistance programs administered by the Department: Aid to Families with Dependent Children (AFDC); Aid to the Aged, Blind, and Disabled (AABD); General Assistance (GA, City of Chicago only); Refugee/Repatriate Programs (RRA); Medical Assistance (excluding medical extension cases and spend down cases); and Food Stamps.

"Staff" means individuals employed by the Illinois Commerce Commission.

"UTSPAP" means the Universal Telephone Service Assistance Program in which all Illinois LECs BBE's shall participate as provided in Section 757.200.

"UTSAP Administrator" is the Illinois not-for-profit corporation Not-for-Profit Corporation responsible for the administration of the UTSPAP as described in Section 757.215.

"Waiver" means any reduction in a participant's initial telephone service installation charge or local exchange service obligation in the amount established under the provisions of this Part.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 11 1996)

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SUBPART B: LIFELINE CONNECTION ASSISTANCE PROGRAM

Section 757.100 Service Requirement

- Within 90 days from the date this program receives Federal Communications Commission (FCC) certification, each LEC shall participate in the "Lifeline Connection Assistance" program adopted by the FCC in 47 CFR 36.701 et seq. as of October 1, 1995 1999. This incorporation does not include any later amendments or editions.
- As part of their participation in the program identified in subsection (a), the LECs BBE's shall implement a low income assistance program characterized by a 50% waiver, of up to \$30.00, of the initial telephone service installation charge. The waiver shall be applicable to the primary service order, central office and premise visit components of the service connection charges and shall be provided to each eligible new subscriber.
- In addition, the LECs BBE's shall offer any eligible new subscriber the opportunity to enter into a determination program. Eligible new subscribers shall be given not less than six months to retire the remaining installation charges, and the LEC shall refrain from applying interest charges to such amounts.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 11 1996)

Section 757.105 Recovery Mechanism

Costs incurred as a result of providing service under Section 757.100 shall be recovered in the following manner:

- The LECs BBE's shall recover the entire amount of the installation charge waivers provided to all eligible new subscribers from funds provided by the NECA through the Lifeline Connection Assistance program.
- The LECs BBE's shall recover all interest charges, up to \$200, waived as a result of deferred payment arrangements on those charges not covered by the installation waiver from funds provided by the NECA through the Lifeline Connection Assistance program.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 11 1996)

Section 757.110 Publicity

LECs BBE's shall publicize the Program in all exchanges. Publicity shall include, but not be limited to:

- Periodic news releases promoting the Program employing radio, television or newspapers in each LEC's service territory. Such

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releases shall occur every three months during the first year of the plan, and at least once a year thereafter.

- b) Written notification of the Program to the agency directors of the Illinois Department of Public Aid, the Illinois Department on Aging, and the Illinois Department of Children and Family Services, along with a request to publicize the program.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 1 1986)

Section 757.115 Application Procedure and Processing

- a) LECs BEG's shall be responsible for processing all Lifeline applications.
- b) Lifeline application forms shall be made available at all LEC customer service centers.
- c) Presentation of a current medical card by an applicant upon completion of the Lifeline application shall constitute proof of income eligibility. Further certification by the Department shall not be required.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 1 1986)

Section 757.120 Filing Requirements

- a) Within 90 days after the effective date of this Part, LECs BEG's shall file with the Commission a tariff pursuant to Section 13-301 of the Act for the provision of a Lifeline 50% waiver of the subscriber installation charge as provided in Section 757.10(a).
- b) LECs BEG's shall submit the information required by the Commission to provide the information required by Exhibits A and B. The information shall include the information specified in Exhibit A shall be filed with the Chief Clerk of the Commission and the UTSP Administrator within 30 days after each calendar quarter's end. In addition, LECs BEG's shall maintain supporting documentation in such a manner as to be able to readily identify the expenses detailed in Section D of Exhibit A in appropriate subaccounts. (See 83 Ill. Adm. Code 710.)

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 1 1986)

Section 757.125 Eligibility

- a) In order to be eligible to receive benefits under the Lifeline Connection Assistance program described in this Subpart B, an individual must:
- 1) Participate in a proxy program as defined in this Part;

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- 2) Not be a dependent for federal income tax purposes, unless the applicant is more than 60 years of age (see 26 U.S.C. 152).
- b) Benefits available under the Lifeline Connection Assistance Program shall be applied to one access line only at the principal place of residence of the eligible new subscriber.
- c) Lifeline Connection Assistance program benefits shall be delivered in the name of the individual receiving assistance from one of the proxy program defined in Section 757.10.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 1 1986)

Section 757.130 Income Certification

- a) Upon the initiation of the Lifeline Connection Assistance program, the LECs BEG's shall conduct a mass mailing. Such a mailing shall include a certification card and shall be directed to those individuals receiving assistance from one of the proxy programs defined in Section 757.10. The mailing shall include the certification card, that individual shall be responsible for:
- 1) Completion of the certification card; and
 - 2) Return of the certification card to the relevant LEC within 90 days from the date of the card's issuance.
- b) On an ongoing basis, certification of eligibility shall be determined in the following manner:

- 1) Where customer service centers exist, certification of eligibility shall be determined by the LEC. In such instances, presentation of a current medical card by the applicant shall be sufficient to confirm income eligibility.
- 2) Where no customer service centers exist, the applicant shall be contacted by letter in such instances. Applications of eligibility by the LEC's shall be conducted in cooperation with the Department.
- 3) The applicant shall be solely responsible for establishing eligibility in one or more of the proxy programs through the Department. When LECs BEG's find that an applicant's name is not shown on the Department's master records, the applicant will be advised to contact the Department to verify or establish eligibility.
- 4) Applications for the installation waiver shall be processed and certified within 14 days from the date the application was received by the Department.
- c) In the event an applicant seeks exception to the eligibility status as determined by the LEC, the LEC shall advise the applicant of the proper dispute procedures as outlined in Section 757.15.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 1 1986)

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SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section 757.200 Service Requirement

- a) Within 90 days after the effective date of this Part, each LEC shall participate in the Universal Telephone Service Assistance Program (UTSAP) as required and authorized in Section 13-101.1 of the Public Utilities Act (405/13-101-1) effective September 26, 1991, and as ordered by the Commission. All voluntary contributions received by a LEC under Section 757.205 from the date of initial participation until a determination is made by the Commission under subsection (b) of this Section shall be forwarded to the UTSAP Administrator. Section 757.209(c) shall be consistent with the provisions of Section 757.210(d). The UTSAP Administrator shall invest these funds in securities backed by the United States government.
- b) On July 1 of each year Nine months from the effective date of this Part and every six months thereafter from the date of the first order and every order thereafter, the UTSAP Administrator shall file with the Commission a petition requesting the Commission to determine the amount of supplemental assistance, if any, the LECs have to provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section. Section 757.209(c). The petition shall contain recommendations of the UTSAP Administrator as provided in Section 757.210(c). Sections 757.210(c) and 757.210(d) shall be consistent with the provisions of Sections 757.210(c) and 757.210(d). The Commission may enter an order without a hearing; however, a hearing shall be held if requested by the public or by Staff within 30 days after the date the petition is filed and a hearing may also be held on the Commission's and the Hearing Examiner's own motion. The Commission may suspend or the Hearing Examiner shall determine, subject to the availability of funds, the amount of supplemental assistance, if any, the LECs have to provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section Section 757.209(c).
- c) The UTSAP MAY will supplement the assistance provided by the Lifeline Connection Assistance Program as described in Subpart B through:
 - 1) additional waiver of the initial telephone service installation charges beyond those provided in Section 757.100(b) for eligible new subscribers;
 - 2) a waiver of all or a portion of the local exchange service obligation of eligible subscribers or eligible new subscribers; or
 - 3) a combination of both subscribers (1) and (2) above as ordered by the Commission under subsections (1), (2), and (3) and (4).
- d) Limitation of Waiver
 - 1) If the Commission determines that a waiver of all or a portion of the local exchange service obligation should be provided by the

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UTSAP, the Commission may, if it deems necessary, limit eligibility to:

- A) one or more of the individual Proxy Programs administered by the Department, as identified in the definition of "Proxy Programs" in Section 757.10, or
 - B) one or more subprograms within or components of, an individual Proxy Program.
 - 2) Any proposals to limit eligibility pursuant to this subsection (d) shall be made as part of the petition filed annually under subsection (b) of this Section.
 - 3) The Commission shall adopt a proposal that limits eligibility for a waiver of all or a portion of the local exchange service obligation to one or more Proxy Programs or subprograms or components thereof pursuant to this subsection (d) only if it finds that:
 - A) participation in the Proxy Program subprogram or component thereof can be certified through inquiry to the facilities maintained by the Commission;
 - B) the funds available to the UTSAP from voluntary contributions are projected to permit the UTSAP to provide the proposed assistance by means of a waiver of all or a portion of the local exchange service obligation to all subscribers or all new subscribers within the Proxy Program subprogram or component on an ongoing basis;
 - C) the proposal will increase accessibility to telephone service; and
 - D) the proposal adequately considers the needs of and potential benefits to participants in the Proxy Programs.
- and) The Commission, on its own motion, or based upon a petition filed by the UTSAP Administrator, may order the LECs have to temporarily suspend payment of or temporarily reduce the amount of the supplemental assistance provided under the programs set forth in Section 757.209(c), if the total program costs exceed, or will exceed, the funds available from contributions specified in Section 757.205. If the Commission suspends or reduces the amount of payments under this Section, the Commission may suspend or reduce the amount of supplemental assistance, if any, the LECs have to provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section Sections 757.209(c).
- (Source: Amended at 20 Ill. Reg. 15257, effective DEC 01 1996)

Section 757.205 UTSAP Funding

- a) All funding for UTSAP will be by voluntary contributions.
- b) Customers wishing to participate in the funding of UTSAP may do so by

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approval proposed Articles of Incorporation and Bylaws and initial members of a Board of Directors for the UTAC prior to submission to the Secretary of State of the State of Illinois.

- c) The Secretary of State or the State of Virginia shall file an application for federal income tax exempt status.
- d) The UTAP Board will consist of 9 members. There shall be three classes of directors: one class consisting of 5 directors who shall be elected from five or more nominations made by the LECS ~~LECS~~ ^{LECS}, one class consisting of two directors who shall be elected from two or more nominations made by the Attorney General Office of Public Counsel and the Citizens Utility Board, and one class consisting of two directors who shall be elected from two or more nominations made by the National People's Action, Community Action for Fair Utility Practice, and the South Austin Coalition Community Council. The directors of all three classes shall be elected by a vote of the members of UTAP.
- e) The responsibilities of the UTAP, as the UTSPAP Administrator, shall be:
- 1) to administer a statewide UTSPAP pool to which all LECS ~~LECS~~ ^{LECS} will report UTSPAP contributions and expenses.
 - 2) to collect monthly the excess funds from those ~~LECS~~ ^{LECS} whose revenues collected from UTSPAP contributions net of installation and LECSAP waivers and reimburse LECS for their administrative expenses exceed their UTSPAP costs as reported by the ~~LECS~~ ^{LECS} to the UTSPAP Administrator in the form of Exhibit-B of this Part.
 - 3) to reimburse monthly the revenue shortfall to those ~~LECS~~ ^{LECS} whose UTSPAP costs exceed revenues collected from UTSPAP contributions as reported by the ~~LECS~~ ^{LECS} to the UTSPAP Administrator in the form of Exhibit-B of this Part.
- 3) to make quarterly reports to the Commission as detailed in Exhibit C of this Part.

T.I.T.N.O.T.S. COMMERCE COMMISSION

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g) The UWSAP Administrator shall request bids and seek Commission approval of all contracts exceeding \$10,000.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 01 1996)

Section 757.220 UTSAP Publicity

- a) Within 90 days after the effective date of this Part, each LDC will notify its customers that they may elect to participate in the funding of the UTSPAP by electing to contribute, on a monthly basis, a fixed amount to be included in monthly bills until canceled by the customer.
- b) The customer notification specified in subsection (a) of this Section 959-3284(f) will be in the form of an insert in the customer bill. The mailing will specify fixed monthly amounts from which customers wishing to contribute may choose. In addition, the mailing will contain a phone number, post card or a mailing address that the customer may use to contact the LDC in order to initiate monthly contribution billing.
- c) On an ongoing basis, at least once each quarter, the LDCS again will continue to inform customers that they may contribute to the UTSPAP bill inserts, news releases, local television or other suitable means.
- d) LDCs shall be required to inform customers that they may contribute to the UTSPAP on all contracts for new service installation or more of service within the LDC's territory.
- e) The publicity requirements shown in Section 757.110 will also apply to the UTSPAP.

Source: Amended 20 Ill. Reg. 15237, effective
DEC 01 1996

Section 757.225 UTSAP Eligibility

- a) In order to be eligible to receive USRAP benefits under Section 757.200(c)(1), if such benefits are ordered by the Commission pursuant to Section 757.200(b), an individual must:
- 1) Participate in one of the proxy programs as defined in this Part.
 - 2) Not be a dependent for income tax purposes unless he or she is more than 60 years of age (see Sec 26 U.S.C. 152).
- b) In order to be eligible to receive USRAP benefits under Section 757.200(c)(2), if such benefits are ordered by the Commission pursuant to Section 757.200(d), an individual must:
- 1) meet the criteria of the available proxy program (a) above, and
 - 2) the Commission pursuant to Section 757.200(d).
- c) Any waiver shall be available for one access line only, which shall be at the principal place of residence of the individual receiving assistance from one of the proxy programs set forth in Section 757.10.

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4) UTSAP program benefits shall be delivered in the name of an individual receiving assistance from one of the programs set forth in subsection (a)(1) of this section 757.240, at any time, existing program participants will retain their eligibility upon resumption of the program. The program shall be subject to the recertification conditions outlined in Section 757.240.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 01 1996)

Section 757.230 UTSAP Application Procedure and Processing

- a) The LECs BBE's shall be responsible for processing all UTSAP applications.
- b) The UTSAP application procedures and processing shall be the same as those shown in Section 757.115.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 01 1996)

Section 757.240 Recertification

Recertification of a participant's eligibility for any LESOPP waiver provided under the LESOPP shall be conducted in the following manner:

- a) LECs BBE's shall be responsible for recertification and shall conduct the recertification through inquiry to the facilities maintained by the Department.

b) Recertification shall be conducted no more than once every six months and no less than once a year.

- c) If a LEC determines upon recertification that a UTSAP participant is no longer eligible, the LEC shall provide the participant 30 days notice prior to terminating the participant from the UTSAP. Notice of such a determination shall be provided to the participant in writing, and shall provide the information specified in Exhibit D.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 01 1996)

Section 757.245 UTSAP Filing Requirements

- a) LECs BBE's shall file with the Commission appropriate tariffs for the provision of an additional waiver of the initial telephone service installation charge and/or a LESOPP waiver pursuant to order(s) of the Commission authorizing such supplemental assistance programs.
- b) LECs BBE's shall file with the Commission supplemental assistance reports containing the information specified in Exhibit A of this Part, as required in Section 757.210.

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- c) The UTSAP Administrator shall file with the Commission, on a quarterly basis, a report containing the information specified in Exhibit C of LECs BBE's shall file with the UTSAP Administrator 7-on-a-monthly basis reports containing the information specified in Exhibit B of this Part, as provided in Section 757.210.

e) The UTSAP Administrator shall file with the Commission copies of the minutes of all meetings of the Board of Directors of UTSAP.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 01 1996)

SUBPART D: STAFF LIAISON

Section 757.300 Staff Liaison

- a) The Executive Director of the Illinois Commerce Commission shall appoint one Staff member to act as Staff Liaison to the programs provided under this Part. The Staff Liaison shall serve as contact person, advisor, and monitor of the UTSAP Administrator and low-income residential customers.

b) The UTSAP Administrator and the LECs BBE's shall serve one copy of all reports and other information provided to the Commission under this Part on the Staff Liaison.

(Source: Amended at 20 Ill. Reg. 15257, effective DEC 01 1996)

ILLINOIS COMMERCE COMMISSION
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Section 757, EXHIBIT A LEC Quarterly Report to Commission

EXHIBIT A
Page 1 of 57

Local Exchange Company: _____

QUARTERLY REPORT TO THE COMMISSION

STATUS OF THE LIFELINE CONNECTION ASSISTANCE PROGRAM

FOR CALENDAR QUARTER ENDING: _____

A) APPLICATIONS RECEIVED

MONTH CHARGES INTEREST

1) _____

2) _____

3) _____

Year-To-Date _____

B) RECIPIENTS

Number of Persons Receiving Lifeline Connection

Assistance Year-To-Date _____

NOTE: Each LEC must file the original of this Exhibit A with the Chief Clerk of the Illinois Commerce Commission and forward a copy to the UTSAF Administrator of the Illinois Commerce Commission and forward a copy to the UTSAF Administrator of the Staff Liaison within 30 days after the end of each calendar quarter.

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Exhibit A
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Local Exchange Company _____

STATUS OF UTSAF LIFELINE EXPENDITURES

FOR CALENDAR QUARTER ENDING: _____

C) UTSAF LIFELINE EXPENDITURE REPORT

1. Telecommunications Expenses

a. Billing and Data Processing \$ _____

b. Customer Notification and Bill Inserts _____

c. Certification Administration (LEC) and Contact Time _____

d. Certification Administration (IDPA) _____

e. Service Representative Training _____

f. Other, please specify _____

TOTALS \$ _____

Less UTSAF Reimbursement Cost \$ _____

Recovery Received \$ _____

BALANCES \$ _____

* Includes Current Quarter

NOTE: Carriers shall maintain supporting documentation in such a manner as to be able to readily identify the above expenses in appropriate subaccounts.

Quarterly "Totals" reported on this page should correspond to the sum of the monthly "Administrative Costs" reported on Exhibit A by LECs with over 35,000 access lines.

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

Exhibit A
Page 3 of 5

Local Exchange Company: _____

For Calendar Quarter Ending: _____

D) LEC ADMINISTRATIVE COSTS

(Further breakdown of (C)l.c on page 2 of 5) (Detail-for-item-(e)++(t))
Above)

Administrative Costs and Contact Time	Current Quarter	Year to Date
a. Supervision	\$ _____	\$ _____
b. Customer Records & Collections (Total of lines 1-6 Below)	_____	_____
1. Salaries & Fringe Benefits	_____	_____
2. Materials	_____	_____
3. Postage	_____	_____
4. Transportation Expenses	_____	_____
5. Preprinted Forms	_____	_____
6. Other	_____	_____
c. Miscellaneous	_____	_____
d. Customer Accounts	_____	_____
e. General Salaries	_____	_____
f. Supplies & Expenses	_____	_____
g. Outside Services	_____	_____
h. Employed	_____	_____
TOTAL ADMINISTRATIVE COSTS	\$ _____	\$ _____

* Includes Current Quarter

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

Exhibit A
Page 4 of 5

Local Exchange Company: _____

STATUS OF THE UTSAP ADDITIONAL INSTALLATION CHARGE WAIVER

FOR CALENDAR QUARTER ENDING: _____

A) APPLICATIONS RECEIVED	MONTH	ADDITIONAL INSTALLATION CHARGES WAIVED
1) _____	_____	_____
2) _____	_____	_____
3) _____	_____	_____
	Year-To-Date	_____

B) RECIPIENTS

Number of Persons Receiving Additional Installation Charge Waiver Assistance

Year-To-Date

Note: The information supplied under "Additional Installation Charges Waived" should correspond to the information provided on Exhibit B for LECs with more than 35,000 access lines.

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

Exhibit A
Page 5 of 7

Local Exchange Company: _____

STATUS OF THE MONTHLY LOCAL-EXCHANGE-SERVICE
OBLIGATION WAIVER PROGRAM (LSGWP)

FOR CALENDAR QUARTER ENDING: _____

A) APPLICATIONS RECEIVED ADDITIONAL-INSTALLATION MONTHLY CHARGES WAIVED

1) _____
2) _____
3) _____

Year-To-Date _____

B) RECIPIENTS

Number of Persons Receiving Monthly LSGWP Assistance

Year-To-Date _____

Note: The information supplied under "Monthly Charges Waived" should correspond to the information provided on Exhibit B for LECs with more than 35,000 access lines.

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

Exhibit A--
Page 6 of 7

c)-----USAP-EXPENDITURE-REPORT
(EXCLUDING-BIPENING-EXPENDITURES)

	Current Quarter	Year-to Date*
iv LSGWP-Telecommunications-Expense	\$-----	\$-----
a)---Billing-and-Bate	\$-----	\$-----
---Processing	\$-----	\$-----
b)---Customer-Notification-and	\$-----	\$-----
---Bill-Inserts	\$-----	\$-----
c)---Certification-Administration	\$-----	\$-----
---(BBG)-and-Contact-Time	\$-----	\$-----
d)---Certification-Administration	\$-----	\$-----
---(BPA)	\$-----	\$-----
e)---Service-Representative	\$-----	\$-----
---Training	\$-----	\$-----
f)---Other-Pleases-Specify	\$-----	\$-----
WPAHS	\$-----	\$-----
Less-Cost-Recovery-Received	\$-----	\$-----
BALANCES	\$-----	\$-----

*---Includes-Current-Quarter

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

Exhibit A--
Page 7 of 7

Boehl Exchange Company:

For Calendar Quarter Ending:

By: ADMINISTRATIVE COSTS

(Net for Item (c)(1)(c) Above)

Administrative Costs and

Contact Time

Current

Quarter

\$

Year-to

Balance

\$

a. Supervision
b. Customer Records & Collections
(Total of Lines 1-6 Below)

1. Salaries & Fringe

2. Materials

3. Postage

4. Transportation

5. Expenses

6. Preprinted Forms

7. Other

c. Miscellaneous Customer

d. Administrative &

General Salaries

e. General Office

f. Supplies & Expenses

g. Outside Services

Employed

TOTAL ADMINISTRATIVE COSTS

* Includes Current Quarter

(Source: Amended at 20 Ill. Reg. 15257 effective

DEC 01 1994

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

Section 757, EXHIBIT B Monthly LEC Waiver Costs/Contributions Cost/Revenue Reporting Form

Exhibit B

Monthly LEC Waiver Costs/Contributions Cost/Revenue Reporting Form

LEC

Month

Contributions Revenues:

a) Total Contributions Billed

b) Less Uncollectible Contributions
from previous months

c) Total Contributions Revenues

Waiver Costs:

a) Total Additional Installation
Charges Waived

Exhibit A, page 4 of 5

b) Total Monthly MSOEP

Waivers (Exhibit A,

page 3 of 5)

c) Total UTSP
Expenditures (Exhibit A,

page 2 of 5) Administrative Costs

d) Total Costs

Amount Due from UTSP Administrator

(Waivers costs exceed

CONTRIBUTIONS) Revenues or

or

Amount to be Remitted to UTSP

Administrator (Contributions exceed

Waivers) (Revenues exceed Costs)

Administrative Costs

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

Note: Exhibit B is to be forwarded monthly to the UTSAP Administrator by LECs with more than 35,000 access lines.

(Source: Amended 10/13/94, effective 12/1/94, Reg. 15257, 20 Ill. Reg. 15257)

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

Section 757, EXHIBIT C Quarterly UTSAP Administrator Report to Commission

Exhibit C

Quarterly UTSAP Administrator Report

For Calendar Quarter Ending _____

1. Balance in Pool at Beginning of Quarter _____

Total Contributions to UTSAP _____

a) Billed by LECs HME's _____

b) Directly to UTSAP Administrator _____

c) Interest Earned Sub-Total _____

d) Less Uncollected Contributions _____

2. Total Contributions _____

Total Costs _____

a) LEC Additional Installation
Charge Waivers _____

b) LESOWP Waivers _____

c) LEC Administrative Expenses _____

d) UTSAP Administrator Expenses _____

3. Total Costs _____

4. Balance in Pool at End of Quarter
(Line 1 plus Line 2 minus Line 3) _____

(Source: Amended at 20 Ill. Reg. 15257, effective 12/1/94)

15257, effective

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Charter Schools
- 2) Code Citation: 23 Ill. Adm. Code 650
- 3) Section Numbers:
 - 650.10 Adopted Action:
 - 650.20 New Section
 - 650.30 New Section
 - 650.40 New Section
 - 650.50 New Section
 - 650.60 New Section
- 4) Statutory Authority: 105 ILCS 5/27A-13
- 5) Effective Date of Rulemaking: November 15, 1996
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this rulemaking contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: November 1, 1996
- 9) Notice of Proposal Published in Illinois Register: July 12, 1996; 20 Ill. Reg. 8007
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences: between proposal and final version: The last sentence from Section 650.40(d) as originally proposed has been deleted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No. No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this rulemaking replace an emergency rule currently in effect? Section 650.60 of this Part replaces an emergency amendment that took effect on June 25, 1996.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules implement P.A. 89-450. They set forth the procedures to be followed in requesting the State Board's certification of a charter for a charter school pursuant to Article 27A of the School Code and outline the steps the agency will take in reviewing such applications.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

- 16) Information and questions regarding these adopted rules shall be directed to:

Name: Gary J. Anderson
 Address: Legal Department
 Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777-0001
 Telephone: (217) 782-5270

The full text of the Adopted Rule begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: SUBTITLE A: EDUCATION

CHAPTER 1: STATE BOARD OF EDUCATION

SUBCHAPTER 0: MISCELLANEOUS

PART 650

CHAPTER SCHOOLS

Section

650.10 Definitions

650.20 Purpose

650.30 Submission to State Board of Education

650.40 Review by State Board

650.50 Revision and Renewal of Charters

650.60 Appeal of Local School Board Reports

AUTHORITY: Implementing and authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A] (see P.A. 89-450, effective April 10, 1996).

SOURCE: Emergency rules adopted at 20 Ill. Reg. 6329, effective April 23, 1996; for emergency rules of 150 days; emergency amendment at 20 Ill. Reg. 9677, effective June 25, 1996, for a maximum of 150 days; new Part adopted at 20 Ill. Reg. 15284, effective NOV 15 1996.

Section 650.10 Definitions

"Article 27A of the School Code: means 105 ILCS 5/Art. 27A (see P.A. 89-450, effective April 10, 1996).

Section 650.20 Purpose

Article 27A of the School Code sets forth the requirements for a charter school and the procedure for consideration of a charter school proposal by local boards of education. Pursuant to Section 27A(f) of the School Code, two or more local boards of education may jointly submit a charter proposal to a charter school. This Part sets forth the procedures applicable to reporting to the State Board of Education by local school boards of the submission of charter school proposals, as required by Section 27A-8(f) of the School Code.

Section 650.30 Submission to State Board of Education

Local board(s) of education shall report to the State Board of Education as to the action by the local board(s) of education with regard to an application for, revision of, renewal of, or revocation of a charter. A copy of the report shall be provided to the applicant at the same time that the report is submitted to the State Board of Education. The report shall include a notice to the applicant informing the applicant that a denial, revocation or non-renewal of a charter school application or revision may be appealed to the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

State Board of Education within 14 days after the date that the report is submitted to the State Board of Education. Reports shall be submitted as follows:

- Reports of approved applications, revisions, or renewals shall be accompanied by a form to be supplied by the State Board. The form shall include a certification as to compliance with all of the procedural requirements and application components set forth in Article 27A of the School Code. The form and the proposed contractual agreement shall be signed by the president(s) of the local school board(s) and the appropriate officers of the charter school governing body. Section 27A-6 of the School Code provides that a proposed application, revision, or renewal of a charter school and the local school board must be submitted to and certified by the State Board before it can have effect.
- Reports of denials, revocations or non-renewals shall consist of the rationale as voted upon by the local board(s) of education, any text of minutes, written statement of the board, board letter of denial) and a record of the vote of the board(s) on the proposal.
- A certification of publication and a copy of the printed notice of a public meeting for each local board of education involved, as required by Section 27A-8(d) of the School Code, must be submitted with all reports.
- Reports shall be submitted via certified mail, return receipt requested, to:
Illinois State Board of Education
Charter Schools
P.O. Box 6404
Springfield, Illinois 62708
- No electronic or facsimile transmissions will be accepted. Reports must be postmarked no later than 7 calendar days following the date of public meeting of the local board(s) of education at which the vote occurred and must include proof of service of the report upon the applicant. In cases of separate public meetings by each school board involved, the 7 days shall begin when the last school board votes on the matter.
- Section 27A-4(b) of the School Code limits the number of charter schools and requires the State Board of Education to process applications in the order received. In order to ensure fair and prompt consideration by the State Board of Education, applications for approved proposals addressed other than as specified in subsection (d) of this section shall be processed on the next business day following the date of approval by all school boards involved shall not be processed.

Section 650.40 Review by State Board

- Pursuant to Section 27A-6(d) of the School Code, the State Board shall assign a number to each submission or resubmission in chronological

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number:
1.780
1.781
1.782
1.783
1.784
1.785
1.786
1.787
1.788
1.789
1.790
1.791
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1.994
1.995
1.996
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1.998
1.999
2.000
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: November 18, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 1, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 8419; June 26, 1996

- 10) Has JCER issued a Statement of Objections to these rule(s)? No

- 11) Differences between proposal and final version: No changes were made in the final version of the rules.

- 12) Have all the changes agreed upon by the Agency and JCER been made as indicated in the agreement letter issued by JCER? No changes were requested by JCER, and no agreement letter was received.

- 13) Will this amendment replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Adopted Amendments: The amendments respond to several issues, specifically:

- the need to set forth in rule the conditions upon which school districts would receive state aid for one-half days of pupil attendance, which implement the current practice (see Section 1.420(f)(9));
- the changes necessitated by P.A. 89-184, effective July 19, 1995, which adds "other persons" to the educational staff responsible for maintaining discipline (see Section 1.280);

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- P.A. 89-155 and P.A. 89-175, effective July 19, 1995, which add marching band and Reserved Officer Training Corps, respectively, as allowable reasons to excuse students in grades 9 through 12 from physical education (see Section 1.420(p)(6)); and
- P.A. 89-212, effective August 4, 1995, which allows certified teachers without a substitute teaching certificate to serve as a substitute in place of a certified teacher who is under contract with the employing board (see Section 1.790).

- 16) Information and questions regarding these adopted amendments shall be directed to:

Cliff Erwin
Division of Quality Assurance and Improvement
Planning
Illinois State Board of Education
100 North First Street, E-310
Springfield, Illinois 62777-0001
Telephone: (217) 782-3852

The full text of the adopted amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE 1: EDUCATIONAL RESOURCES

CHAPTER 1: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: SCHOOL ACCREDITATION

Section

- 1.120 Definitions
- 1.121 The School Accreditation Process
- 1.130 Development of School Improvement Plans
- 1.400 Student Performance and School Improvement Requirements
- 1.500 State Assessment
- 1.600 Operational Compliance
- 1.700 Effective Dates of Accreditation
- 1.800 Academic Watch List
- 1.900 System of Rewards and Recognition
- 1.1100 Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Powers and Duties
- 1.220 Duties of Superintendent
- 1.230 Board of Education and the School Code
- 1.240 Equal Opportunities for all Students
- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 170.475 and 180.485
- 1.260 Commemorative Holidays to be Observed by Public Schools
- 1.270 Book and Material Selection
- 1.280 School Equipment
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Responsibilities
- 1.320 Duties
- 1.330 Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE 1: EDUCATIONAL RESOURCES

CHAPTER 1: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND PROGRAM APPROVAL

Section

- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.450 Accredited Course Substitute
- 1.460 State Proficiency Test
- 1.462 Credit Earned Through Proficiency Examinations
- 1.465 Uniform Annual Consumer Education Proficiency Test
- 1.470 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.520 School Food Services
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section

- 1.610 Public School Districts
- 1.620 Accreditation of Staff
- 1.630 Noncertificated Personnel
- 1.640 Requirements for Student Teacher Certificates
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Minimum Requirements for Teachers
- 1.710 Minimum Requirements for Teachers of Middle Grades
- 1.720 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers
- 1.730 Minimum Requirements for Special Services Teachers
- 1.735 Requirements to Take Effect on July 1, 1991
- 1.740 Requirements to Take Effect on July 1, 1994
- 1.745 Standards for Reading
- 1.750 Standards for Media Services
- 1.760 Standards for Pupil Personnel Services
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Grades K-12
- 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
- 1.790 Substitute Teacher

STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

APPENDIX A Professional Staff Certification
APPENDIX B Certification Quick Reference Chart
APPENDIX C Glossary of Terms
APPENDIX D State Goals for Learning
APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination
APPENDIX F Criteria for Determination - Student Performance and School Improvement
APPENDIX G Criteria for Determination - State Assessment

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g (see P.A. 89-3, effective February 27, 1995), 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22.3, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4000, effective February 26, 1988; amended at 14 Ill. Reg. 1145, effective July 26, 1990; amended at 15 Ill. Reg. 1196, effective November 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective NOV 11 1996.

SUBPART B: SCHOOL GOVERNANCE

Section 1.250 District to Comply with 23 Ill. Adm. Code 170.45 and 180.485

The district shall comply with 23 Ill. Adm. Code 170 titled "Sprinkler System" and 180 titled "Fire Protection Standards" and 23 Ill. Adm. Code 180 titled "Fire Protection Standards" and 23 Ill. Adm. Code 180 titled "Health/Life Safety Code for Public Schools." 45-nites-entitled "Building Specifications for Health and Safety in Public Schools," as issued by the State Superintendent of Education.

(Source: Amended 20 Ill. Reg. 15290, effective NOV 11 1996)

Section 1.280 Discipline

STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

Section 24-24 of the School Code [105 ILCS 5/24-24] provides for states-that teachers, and other certificated educational employees and persons providing a related service for or with respect to a student as determined by the board of education to shall maintain discipline in the schools.

- The board of education shall establish and maintain a parent-teacher advisory committee as provided in Section 10-20.14 of the School Code [105 ILCS 5/10-20.14].
- The board of education shall establish a policy on the administration of discipline in accordance with the requirements of Section 24-24 of the School Code [105 ILCS 5/24-24] and disseminate that policy as provided in Section 10-20.14 of the School Code.

(Source: Amended at 20 Ill. Reg. 15290, effective NOV 11 1996)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- Every school district shall have an organized plan for recording pupil progress and/or awarding credit; a plan which can be disseminated to other schools within the district.
- Every school district shall:
 - Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.
 - Include in its instructional program concepts which are designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.
- Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- Every school system shall conduct supervisory and inservice programs for its supervisory and inservice staff shall be involved in planning, conducting and evaluating supervisory and inservice programs.
- Sections 10-19 and 18-8 of the School Code [105 ILCS 5/10-19 and 18-8] specifies certain measures relative to the school day. Any deviation from Section 18-8 of the School Code will be examined on an individual basis by the State Superintendent of Education. Section 18-8 requires that every school system shall operate its schools so as to provide a minimum of five clock-hours of school work each day with the following exceptions.
 - Four clock-hours may be counted as a day of attendance for

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) full-day kindergarten and first-grade pupils. Two full days may be used for parent-teacher conferences. Any full day used reduces the number of days available for other purposes. The number of days available for other purposes shall have prior approval on forms supplied by the State Board of Education. Such days can only be scheduled as provided in Section 18-8(1)(g) of the School Code (105 ILCS 5/18-8(1)(g)).
- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for state aid, when the following conditions are met during a work stoppage.
 - A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers must hold certificates which are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction must be held by all teachers.
- 4) Any deviation from the five clock-hour requirement as it pertains to student attendance will be evaluated on an individual basis by the Regional Superintendent.
- 5) Attendance for General State Aid Purposes
 - A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance.
 - B) For purposes of determining average daily attendance on the district's General State Aid claim, students in grades 1 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance.
- 6) Length of School Term
 - 1) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 180 days. The calendar shall be submitted to the Superintendent of the State Board of Education by the first day of the month of September under Section 18-8 of the School Code. Any days allowed by law for a teachers' institute but not used as such or used as parental institutes as provided

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- training program for teachers. Two full days may be used for parent-teacher conferences. Any full day used reduces the number of days available for other purposes. The number of days available for other purposes shall have prior approval on forms supplied by the State Board of Education. Such days can only be scheduled as provided in Section 18-8(1)(g) of the School Code (105 ILCS 5/18-8(1)(g)).
- 7) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for state aid, when the following conditions are met during a work stoppage.
 - A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers must hold certificates which are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction must be held by all teachers.
- 8) Any deviation from the five clock-hour requirement as it pertains to student attendance will be evaluated on an individual basis by the Regional Superintendent.
- 9) Attendance for General State Aid Purposes
 - A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance.
 - B) For purposes of determining average daily attendance on the district's General State Aid claim, students in grades 1 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance.
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in Section 10-22.18d of the School Code [105 ILCS 5/10-22.18d] shall increase the minimum term by the school days not so used. Except as provided in Section 10-19.1 of the School Code [105 ILCS 5/10-19.1], the board may not extend the school term beyond such a closing date unless that extension of term is necessary to provide the minimum number of computable days. In case of such necessary extension, school employees shall be paid for such additional time on the basis of their regular contracts. A school board may specify a closing date earlier than that set on the annual calendar when the schools of the district have provided the minimum number of computable days under this Section.

- 2) Nothing in this Section prevents the board from employing additional personnel of school principals, and other nonteaching personnel for a period of 12 months, or in the case of superintendents for a period in accordance with Section 10-23.8 of the School Code [105 ILCS 5/10-23.8], or prevents the board from employing other personnel before or after the regular school term with payment of salary proportionate to that received for comparable work during the school term (Section 10-19 of the School Code).

- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).

- 1) School districts may establish a kindergarten or either half-day or full-day program. If the district establishes a full-day kindergarten program, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.

- 2) If a school district which establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.

- A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed and maintained by the district, and the appropriate program for their child, and maintained in district files.
- B) A common core of development, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
- C) All support services (e.g., health counseling and transportation) provided by the district must be equally

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- 1) Career education available to full-day and half-day students.

- 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work. Exploration Every district shall initiate a Career Awareness and Exploration Program which should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

- 3) Co-Curricular Activities

- 1) Programs for extra classroom activities shall provide opportunities for all students.

- 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

- k) Consumer Education

- 1) A program in consumer education may include the following topics: The individual consumer in the marketplace, money management, consumer credit, human services—housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.

- 2) The superintendent of each unit or high school district shall maintain evidence which shows that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (Section 27-12.1 of the School Code [105 ILCS 27-12.1]). Prior to the completion of the 12th grade, Consumer Education may be taught as a separate required course, or it may be taught as a separate required course.

- 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installation, purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.

- 4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.

- 5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned and shall receive a minimum of 10 hours in consumer education courses.

- 1) Conservation of Natural Resources
 - 1) In every public school district there shall be instruction, study and discussion of current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness

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- areas, forest management, protection of wild life, and humane care of domestic animals (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).
- 2) It is recommended that the study of conservation also include energy demands, population growth and distribution, food production, transportation systems, solid waste disposal, and noise abatement.
- m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage national and international communication in areas of local, state, and national concern.
- n) Each school district shall be in compliance with rules for Comprehensive Health Education (23 Ill. Adm. Code 253) issued pursuant to the Critical Health Problems and Comprehensive Health Education Act (105 ILCS 110).
- 1) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
 - 2) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
 - 3) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.
- o) Media and attendance center shall provide a program of media services to meet the curricular and instructional needs of the school. The "Recommended Standards for Educational Library Media Programs" (Revised 1986) is suggested as a guide for program development.
- p) Physical Education
- 1) Appropriate activity related to physical education shall be required of all students each day (Section 27-6 of the School Code [105 ILCS 5/27-6]). The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
 - 2) Each district shall have a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
 - 3) If a district determines that it is difficult to implement a program of physical education which involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
 - 4) The Physical Education and training course offered in grades 9 and 10 may include Health Education (Section 27-5 of the School Code [105 ILCS 5/27-5]).
 - 5) Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a

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- person licensed under the Medical Practice Act (225 ILCS 60), prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).
- 6) Pursuant to Section 27-6(b) of the School Code, each high school board which chooses to excuse pupils enrolled in grades 9 through 12 and-12 from engaging in physical education courses as provided-in-Section-27-6(b)-of-the-School-Code shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 of the School Code. Individual requests for excusal shall be for participation-in-intercollegiate-sports-or-enrollment-in-activities required-for-graduation.
- q) Pupil Personnel Services
- To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:
- 1) Guidance and Counseling Needs;
 - 2) Psychological Needs;
 - 3) Social Work Needs;
 - 4) Health Needs; History
- r) Social Studies
- Each school system shall provide history and social studies courses which do the following:
- 1) Analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) Include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the state (Section 27-21 of the School Code);
 - 3) Include in the teaching of United States history the role of the state in the development of the nation and the achievement of the goals of a mixed free-enterprise system (Section 27-21 of the School Code);
 - 4) Include the study of that period in world history known as the Holocaust (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) Include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); and
 - 6) Include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment (Section 27-20.5 of the

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School Code [105 ILCS 5/27-20.5].

- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection," ANSI Z87.1-1989, issued by the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. No later additions or amendments to these standards are incorporated by this rule.

- t) In every public school there shall be instruction, study and discussion of the dangers of and methods by which pupils may remove the danger of and avoid abduction. Such required instruction, study and discussion may be included in the courses of study regularly taught in the schools. In grades kindergarten through 8, such required instruction must be given each year to all pupils in those grades (Section 27-13.2 of the School Code [105 ILCS 5/27-13.2]).

- u) School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in science, health, drug abuse, physical education or other appropriate courses of study. Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development (Section 27-23.3 of the School Code [105 ILCS 5/27-23.3]).

(Source: Amended at 20 Ill. Reg. 15290, effective NOV 01 1996.)

SUBPART G: STAFF QUALIFICATIONS

Section 1.790 Substitute Teacher

- a) A person substituting for any member of the professional staff should have the qualifications required of the staff member for whom that individual is substituting.

- 1) To serve as a substitute teacher, a person shall hold a valid certificate as specified in Section 21-9 of the School Code [105 ILCS 5/21-9] which may be a substitute-teacher certificate.

- 2) A teacher holding a substitute teacher certificate may teach only in the place of a certified teacher who is under contract with the employing board, for a period not to exceed 90 paid school days during the school year. The substitute teacher shall not be employed on a permanent basis. When teaching is partly on a daily and partly on an hourly basis, a school day shall be considered as five hours (Section 21-9 of the School Code).

- b) Special-Notes: Substitute teachers who hold only a substitute

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certificate of a certificate for grades other than the class being taught may teach only those grades specified for the grade is not available (Section 21-9 of the School Code).

(Source: Amended at 20 Ill. Reg. 15290, effective NOV 01 1996.)

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- 1) Heading of the Part: Student Records
- 2) Code Citation: 23 Ill. Adm. Code 375
- 3) Section Number: Adopted Action:
375.30 Amendment
375.40 Amendment
375.70 Amendment
375.90 Amendment
- 4) Statutory Authority: 105 ILCS 10; 105 ILCS 5/2-3.13a
- 5) Effective Date of Rules: November 18, 1996
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 1, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 8607; July 5, 1996
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposal and final version: The following changes were made:
Section 375.30(c), the word "incorporated" was changed to "incorporation."
Section 375.30(d)(8), the period after the word "Part" has been replaced by a semicolon.
Section 375.90(c)(2)(B)(i), the comma after the word "or" has been deleted.
Section 375.90(f), the word "see" has been added after the first parenthesis.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? All the changes requested by JCAR have been made.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Adopted Amendments: These amendments implement P.A. 89-106, which sets forth requirements pertaining to orders of protection, and P.A. 89-261, which adds expulsions and out-of-school suspensions to the items parents may not challenge when the student's record is being sent to another school to which the student is transferring. Further, clarification is being added to Section 375.90(f) as to where appeals of the decisions of the Regional Superintendents of Schools are made, as set forth by statute.
- 16) Information and questions regarding these adopted amendments shall be directed to:
Cliff Erwin
Division of Quality Assurance and Improvement
Planning
Illinois State Board of Education
100 North First Street, E-310
Springfield, IL 62777-0001
(217) 782-3832

The full text of the adopted amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER 1: STATE BOARD OF EDUCATION
SUBCHAPTER k: SCHOOL RECORDS

PART 375
STUDENT RECORDS

Section 375-20	Definitions
375-20	Records of Students
375-30	Notification
375-40	Maintenance
375-50	Costs for Copies of Records
375-60	Emergency Release of Information
375-70	Release of Information
375-75	Public and Nonpublic Schools: Transmission of Records for Transfer
375-80	Directory Information
375-90	Challenge Procedures
375-100	Implementation
375-110	Enforcement

AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Section 2-3.13a of the School Code [105 ILCS 5].

SOURCE: Emergency rule adopted March 24, 1976, codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective NOV 1 1996.

Section 375.30 Notification

- Upon the initial enrollment or transfer of a student to the school, the school shall notify the student and the student's parent(s) of their rights under the Act as specified in subsection (d) of this Section.
- All notification under this Part to parents of children classified under Section 14C-3 of the School Code [105 ILCS 5/14C-3] (111 Rev. Stat. 1985--ch. 122--par. 14C-3) to be of limited English-speaking ability shall be in English and in the language of the child's primary speaking ability.
- This child's name shall be delivered by any means likely to reach the parents, including direct mail, parent-teacher conferences, delivery to the student to the parent, or incorporation incorporated in "parent-student" handbook or other informational brochure for students and parents disseminated by the school.
- Such notification shall consist of:

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- The types of information contained in the permanent and temporary records;
- The right to inspect and copy permanent and temporary records, the limitations on the right of access established under Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act, and the cost of copying such records;
- The right to control access and release of school student records and the right to request a copy of information released;
- The rights and procedures for challenging the contents of the school student records;
- The persons, agencies or organizations having access to student records without parental consent;
- The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school's policies and procedures regarding such information;
- The categories of information the school has designated as "directory information" and the right of the parents to prohibit the release of such information;
- A statement informing the parents that no person may condition the granting or withholding of any right, privilege or benefit or make as a condition of employment, credit or insurance the securing by any individual of any information from a student's temporary record which such individual may obtain through the exercise of any right secured under the Act or this Part;
- The right of the parents, as limited by Section 7 of the Act, to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and
- Any policies of the school relating to school student records which are included in the Act or this Part.

(Source: Amended at 20 Ill. Reg. 15304, effective NOV 1 1996.)

Section 375.40 Maintenance

- The provisions within the Act and this Part requiring records to be separated into permanent and temporary categories shall apply only to records of students who are enrolled in the school at the time the effective date of this Part. Records of students who have graduated

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or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:

- 1) In compliance with the request of a parent or eligible student that such categorization occur; and
- 2) The records custodian shall ensure that information characterized by the act and this act as temporary shall not be released to the public and that the records custodian shall ensure that the student's records shall be reviewed every four years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary or irrelevant information pursuant to Section 375.10 of this Part.

c) Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of such records at any time prior to their destruction. Notification must consist of the following: date of notification, parent name, name of records custodian, date of graduation, the scheduled destruction date of temporary and permanent records.

d) Upon graduation or permanent withdrawal of a handicapped student, as defined in the School Code [105 ILCS 5/Art. 14] (1985--Rev.--Stat. 1985--ch. 1227--par. 14-101--et--seq.) and 23 Ill. Adm. Code 226, Subpart A (Special Education), psychological evaluations, special education files and other information contained in the student temporary record which may be of continued assistance to the student or to the student if the student has succeeded to the rights of the parent may, after five years, be transferred to the custody of the parent or the student.

e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school employees that the student identified or information in those records of a protected child identified in the order shall not be released to a person against whom the order was issued (Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 50/222(f)]).

(Source: Amended 20 11. Reg. 15304, effective 12/1/1994)

Section 375.70 Release of Information

a) Except as otherwise provided in Section 375.75 of this Part, the records of a student shall be transferred by the records custodian of a school to another school in which the student has enrolled or intends to enroll upon the request of the records custodian of the other school or the student, provided that the parent receives prior written notice of the nature and substance of the information to be

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transferred and opportunity to inspect, copy, and challenge such information. If the address of the parents is unknown, notice may be served upon the records custodian of the requesting school for transmittal to the parents. Such service shall be deemed conclusive, and ten calendar days after such service, if the parents make no objection, the records may be transferred to the requesting school.

b) The school shall grant access to information contained in school records to a parent or guardian of a student as required by State or Federal law to gain such access, provided that:

- 1) Such person shall provide the school with appropriate identification and a copy of the statute authorizing such access; and

2) The parent receives prior written notice of the nature and substance of the information to be released and an opportunity to inspect, copy and/or challenge such information. If this release of information relates to more than 25 students, such prior notice may be given in a local newspaper of general circulation or other publication directed generally to parents.

c) The school shall not grant access to or release information from school records without the written consent of the following:

- 1) To an employee or official of the school or school district or the State Board of Education, provided such employee or official has a current, demonstrable educational or administrative interest in the student and the records are in furtherance of such interest;
- 2) To any person for the purpose of research, statistical reporting, or planning, provided that:

A) The person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records; and

B) The person to whom the information is released is certified from the information released (Section 6 of the Act);

3) Pursuant to a court order, provided that the procedures outlined in Section 6(a)(5) of the Act are observed.

d) Any release of information other than specified in subsections (a) through (c) of this Section requires the prior, specific, dated, written consent of the parent designating the person to whom such records may be released, the reason for the release, and the specific records to be released. At the time such consent is requested or obtained, the school shall inform the parents of the following rights:

- 1) To inspect and copy such records;
- 2) To challenge the contents of such records; and
- 3) To request that portions of the records or designated portions of information within the records be released.

e) Release of information by school personnel shall conform to the requirements of Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act.

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November 14, 1996)

Section 375.90 Challenge Procedures

- a) Parents shall be notified of their right to a hearing to challenge any entry in the school student records exclusive of except for academic grades. If the challenge is made at the time the student's school records are being forwarded to another school to which the student is transferring, then parents shall not have the right to challenge references in those records to exemptions or out-of-school suspensions. Challenges to all other entry in the school student records shall be made on the basis of:
- 1) accuracy;
 - 2) relevance; or
 - 3) propriety.
- b) The request for a hearing shall be submitted in writing to the school and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge.
- c) Each school shall establish administrative procedures for parents to challenge the contents of student records. Such procedures shall include:
- 1) An initial informal conference with the parents, within 15 school days of receipt of the request for a hearing.
 - 2) If the request for a hearing is not resolved by the informal conference, formal procedures shall be initiated.

- A) A hearing officer, who shall not be employed in the attendance center in which the student is enrolled, shall be appointed by the school.
- B) The hearing officer shall conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parents and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.
- C) At the hearing each party shall have the rights outlined in Sections 7(b)(1) through 7(b)(4) of the Act.
- D) The transcript of the hearing shall be made by a tape recording or a record made by a stenographer. The transcript shall be prepared by either party in the event of an appeal of the hearing officer's decision. However, a typewritten transcript is not required in an appeal.
- E) The written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parents and the school district. It shall be based solely on the information presented at the hearing and shall be one of the following:
 - 1) To retain the challenged contents of the student

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- record;
- ii) To remove the challenged contents of the student record; or
- iii) To change, clarify or add to the challenged contents of the student record.

- d) Any party shall have the right to appeal the decision of the local hearing officer to the Regional Superintendent of ~~of--the--Educational Service--Region~~ within 20 school days after such decision is transmitted. If the parent appeals, the parent shall so inform the school and within 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question and any other pertinent materials to the Regional Superintendent of ~~of--the--Educational Service--Region~~. The school may initiate an appeal by the same procedures upon receipt of such documents. The Regional Superintendent of ~~of--the--Educational--Service--Region~~ shall examine the documents and record to determine whether the school district's proposed action in regard to the student's record is in compliance with the Act and this Part, make findings and issue a written decision to the parents and the school within 20 school days of the receipt of the appeal documents. If the subject of the appeal involves the accuracy, relevance or propriety of any entry in special education records, the Regional Superintendent of ~~of--the--Educational--Service--Region~~ Superintendent should seek advice from special education personnel:
- 1) who were not authors of the entry, and
 - 2) whose special education skills are relevant to the subject(s) of the entry.

- e) The school shall be responsible for implementing the decision of the Regional Superintendent of ~~of--the--Educational--Service--Region~~.
- f) Final decisions of the Regional Superintendent may be appealed to the circuit court of the county in which the school is located (see Section 7(c) of the Act).

(Source: Amended at 20 Ill. Reg. 15304, effective
November 14, 1996)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Minimum Wage Law
- 2) Code Citation: 56 Ill. Adm. Code 210
- 3) Section Number: Adopted Action:
210-110 Amendment
210-925 New Section
- 4) Statutory Authority: Implementing and authorized by the Minimum Wage Law [820 ILCS 105].
- 5) Effective Date of Rules: November 15, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? Yes
- 8) Date filed in Agency's Principal Office: November 15, 1996
- 9) Notice of Proposal Published in the Illinois Register: August 2, 1996 (20 Ill. Reg. 10754)
- 10) Has JCQR issued a Statement of Objections to these Rules? Yes
- 11) Difference(s) between proposal and final version:

1. In lines 82-83, omitted IRS.
2. In line 86, added Subpart heading.
3. In line 125, "11 et seq" deleted.
4. In lines 128, 131, 142, 144, 146, 148, 150, 151, 152, subsection number eliminated.
5. In line 192, changed "one hundred thousand" to "100,000."
6. In lines 192-198, omitted subsection numbering and handled pursuant to SOS Codification System.
7. In line 197, changed comma to semicolon, and changed "one hundred thousand" to "100,000."
8. In line 198, changed "twenty-five thousand" to "25,000."
9. In line 203, changed "1996" to "1995."
10. In line 264, changed "Investigate" to "Investigative."

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

- 12) Have all the changes agreed upon by the agency and JCQR been made as indicated in the agreement letter by JCQR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rule will: (1) implement Public Act 89-453 (codified at 820 ILCS 105/4a (2) (5)), an amendment to the Minimum Wage Law, 820 ILCS 105/1-15 (1994), that exempts certain radio and television stations in which communications from paying overtime to announcers, news editors, and chief engineers; and (2) provide a process for the Director of the Department of Labor to grant continuances in informal investigative conferences.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Scott D. Miller
Chief Legal Counsel
Illinois Department of Labor
180 North LaSalle Street
Suite 1200
Chicago, Illinois 60601
(312) 793-1811

The full text of the Adopted Amendment(s) begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER I: DEPARTMENT OF LABOR

SUBCHAPTER B: REGULATION OF WORKING CONDITIONS

PART 210

MINIMUM WAGE LAW

SUBPART A: GENERAL PROVISIONS

Section 210.100	Application of the Act
210.110	Definitions
210.120	The use of Federal Definitions of Various Terms
210.130	Hours of Coverage for an Employer
210.140	Uniforms
210.150	Forbidden Activity Covered by Other Laws
210.160	Communication with the Department and the Director

SUBPART B: ESTABLISHMENT OF MINIMUM WAGE ALLOWANCE
FOR GRATUITIES

Section 210.200	Meals and Lodging
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SUBPART C: SEX DISCRIMINATION

Section 210.300	Sex Discrimination
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SUBPART D: OVERTIME

Section 210.400	Determining Workweek for Overtime
210.410	Exclusions from the Regular Rate
210.420	Regular Rate of Pay for Determination of Overtime
210.430	Methods of Computing Overtime
210.440	Overtime-General

SUBPART E: EMPLOYMENT OF AN INDIVIDUAL WITH A DISABILITY
AT A WAGE LESS THAN THE MINIMUM WAGE RATE

Section 210.500	Application for a License to Employ an Individual with a Disability
210.510	Employment of an Individual with a Disability at a Wage Less than the Minimum Wage Rate
	Criteria Used to Establish the Necessity of a Sub-Minimum Wage

SUBPART F: EMPLOYMENT OF LEARNERS AT A WAGE

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LESS THAN THE MINIMUM WAGE RATE

Section 210.600	General Provisions
210.610	Application to Employ a Learner
210.620	Employing More Than One Learner
210.630	Basic Learner Training Requirements
210.640	Student Learners in Work Study Programs

SUBPART G: RECORDS, POSTING AND NOTICE REQUIREMENTS

Section 210.700	Contents of Records
210.710	Identification of Learner or Individual with a Disability
210.720	Minimum Records of Gratuities
210.730	Records Kept Outside of the Business Premises
210.740	Notice to Employers - Copies of the Act and Rules and Regulations

SUBPART H: INSPECTION PROCEDURE

Section 210.800	Investigations
210.810	Investigation Procedures
210.820	Enforcement Procedures

SUBPART I: INFORMAL INVESTIGATIVE CONFERENCE
ON INSPECTION RESULTS

Section 210.900	Request for Review by Employer Subject to an Inspection
210.910	Petition to Intervene by Employee or Former Employee Covered by an Inspection
210.920	Convening an Informal Investigative Conference
210.930	Continuances of Informal Investigative Conference
210.940	Appellate Review of Evidence - Pleadings and Procedures in Investigative Conference
210.950	Attorney and Witnesses in Investigative Conference
210.960	Contumacious Conduct in Investigative Conference
210.970	Telephone Conference
	Request for Review

SUBPART J: ASSESSMENT OF PENALTIES AND PUNITIVE DAMAGES

Section 210.1000	Assessment and Notice of Underpayment, Penalties, and Punitive Damages
210.1010	Employer Conduct Deemed Willful
210.1020	Uncontested Payment of Underpayments, Penalties, and Punitive Damages

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- 210.1030 Damages to Notice of Underpayments, Penalties, and Punitive Damages
- 210.1040 Informal Investigative Conference on the Assessment of Underpayments, Penalties, and Punitive Damages
- 210.1050 Final Determination of Penalties and Punitive Damages

AUTHORITY: Implementing and authorized by of the Minimum Wage Law [820 ILCS 105].

SOURCE: Adopted at 19 Ill. Reg. 6576, effective May 2, 1995; amended at 20 Ill. Reg. **15312**, effective **NOV 15 1998**.

SUBPART A: GENERAL PROVISIONS

Section 210.110 Definitions

"Act" means Minimum Wage Law [820 ILCS 105].

"Agriculture" means farming in all of its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in Section 15(g) of the Agricultural Marketing Act, as amended (12 U.S.C. 1141, et seq.)), the raising of livestock, whether in open field or in confinement, the raising of fur-bearing animals, and any practice, process, or procedure incident to or in conjunction with any of the foregoing (including forestry or lumbering operations performed by any farmer or other person on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market, but not the operation of processing such commodities and any activities subsequent to such operation. Agriculture shall not include the cultivation, growing, harvesting, or preparation for the storage or marketing of Christmas trees, as defined in the regulations promulgated under the Fair Labor Standards Act of 1938, at 29 C.F.R. 780.200 - 780.209 (1994, no subsequent dates or editions), as amended at 36 FR 12084. The phrase incident to or in conjunction with shall not include construction by a private contractor of farm buildings on a farm.

"Any individual permitted to work in domestic service in, or about a private home", as used in Section 3(d)(3) of the Act, means a person whose primary duty is to perform non-commercial labor ordinarily carried out by a family member (in or about his/her immediate family's private home) without wages, including but not limited to: housekeeping, cooking, laundry, baby sitting, gardening, dog walking, running errands, chauffeuring or automobiles for family use, or butler, valet, maid, governess or night watch services. The phrase shall not include a person whose primary duty is to be a companion for

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individual(s) who are aged or infirm or a worker whose primary duty is to perform health care services in or about a private home.

"Aquaculture" means the controlled propagation, growth and harvest of aquatic organisms, including but not limited to fish, shell fish, mollusks, crustaceans, algae and other aquatic plants, as defined in the Aquaculture Development Act [20 ILCS 215].

"Compliance Officer" means an authorized representative of the Director who is charged with the duty to:

investigate and gather data regarding the wages, hours and other conditions and practices of employment in any industry subject to this Act; and

investigate such facts, conditions, practices or matters as he or she may deem necessary or appropriate to determine whether any person has violated any provision of this Act, or which may aid in the enforcement of this Act.

"Department" means the Illinois Department of Labor.

"Director" means the Director of the Department or a duly authorized representative.

"Employee" means any individual permitted or suffered to work by an employer.

The Director will consider the following factors as significant when determining whether an individual is an employee or an independent contractor:

the degree of control the alleged employer exercised over the individual;

the extent to which the services rendered by the individual are an integral part of the alleged employer's business;

the extent of the relative investments of the individual and alleged employer;

the degree to which the individual's opportunity for profit and loss is determined by the alleged employer;

the permanency of the relationship;

the skill required in the claimed independent operation.

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The common law standards relating to master and servant, the parties' designations and terminology, and the individual's status for tax purposes, are not dispositive. Rather, it is the total activity or situation which is controlling. In the case of an individual employed by a public agency, such term means any individual employed by the State of Illinois or any of its political subdivisions except for an individual who is a bona fide elective or appointed official.

"Governmental body" means the State and its agencies, municipalities and units of local government, and school districts.

"Hours worked" means all the time an employee is required to be on duty, or on the employer's premises, or at other prescribed places of work, and any additional time he or she is required or permitted to work for the employer.

An employee's meal periods and time spent on-call away from his/her employer's premise are compensable hours worked when such time is spent predominantly for the benefit of the employer, rather than for the employee.

An employee's travel, performed for the employer's benefit (for example, in response to an emergency call back to work outside his/her normal work hours, or at the employer's special request to perform a particular and unusual assignment, or as a part of the employee's primary duty, or in substitution of his/her ordinary duties during normal hours) is compensable work time as defined in 29 CFR 785.33 - 785.41 (1994, no subsequent dates or editions), as amended at 26 FR 1590.

"Immediate family", as used in Section 3(d)(1) of the Act, means a person related to a subject employer either by blood, marriage or adoption and living as part of the same household. An employer who employs fewer than four employees exclusive of the employer's parent, spouse or child or other member of his immediate family is not subject to the provisions of the Act or this Part.

"Including any radio or television announcer, news editor, or chief engineer, as defined by or covered by the Federal Fair Labor Standards Act of 1938", as used in Section 4a(2)(E) of the Act, means any employee employed as an announcer, news editor, or chief engineer by a radio or television station the major studio of which is located:

in a city or town of one hundred thousand population or less, according to the latest available decennial census figures as published by the Bureau of Economic Analysis, and the city or town is part of a standard metropolitan statistical area, as

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defined and designated by the Bureau of the Budget, which has a total population in excess of 100,000; or

in a city or town of 25,000 population or less, which is part of such an area but is not included in the area from which the area is designated, as determined by the Federal Fair Labor Standards Act of 1938 (29 U.S.C. - 213(b)(9)), and the population accumulated thereunder at 29 C.F.R. Part 793 (1995, no subsequent dates or editions), as amended at 26 FR 10275.

"Individuals whose capacity is impaired by age or physical or mental deficiency", as used in Section 5 of the Act and in Subpart E of this Part, means individuals whose earning or productive capacity are impaired by a physical or mental disability, including those relating to age or injury, for the work to be performed. Disabilities which may affect earning or productive capacity include blindness, mental illness, mental retardation, cerebral palsy, alcoholism, and drug addiction. The following, taken by themselves, are not considered disabilities for the purposes of Section 5 of the Act and Subpart E of this Part: (a) occupational, social, cultural, recreational disabilities; (b) physical characteristics which are the result of a medical condition; (c) juvenile delinquency; and (d) correctional parole or probation. Further, a disability which may affect earning or productive capacity for one type of work may not affect such capacity for another.

"Learners", as used in Section 6 of the Act and Subpart F of this Part, means individuals who are participating in a training program for an occupation in which they are employed. Such a training program must involve either formal instruction or on-the-job training during a period when the learners are entrusted with limited responsibility and are under supervision or guidance.

"Man-day" means any day during which an employee performs any agricultural labor for not less than one hour.

"A member of a religious corporation or organization" means an individual whose functions are spiritual or religious, such as a priest, rabbi, minister, nun, reverend or other such individuals who perform similar functions as their primary duties.

"Student learner", as used in Section 6 of the Act and Subpart F of this Part, means a student who receives course credit for participating in school-approved work study programs.

"Tipped employee" means an employee engaged in an occupation in which gratuities are customarily recognized as part of the remuneration of such employee as referred to in Section 4(c) of the Act; an employee cannot be deemed a tipped employee unless he or she received \$20 or

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more per month in gratuities.

"Volunteer" means a person who works for an employer under no contract of hire, expressed or implied, and with no promise of compensation, other than reimbursement for expenses as part of the conditions for work. A volunteer is not an employee for the purposes of this Act.

"Wages" means compensation due to an employee by reason of his/her employment including allowances determined by the Director in accordance with the provisions of this Act. These allowances will include gratuities and, when customarily furnished by a group of employers to their employees, meals, lodging and other facilities. When the reasonable cost of these allowances is not recorded by the employer, the Director will determine the fair value of such meals, lodging or other facilities to determine the appropriate cost. The average cost to the employer or groups of employers, or other appropriate measures of fair value. Such evaluations, when applicable and pertinent, shall be used in lieu of the actual measure of cost in determining the wage paid to any employee.

(Source: Amended at 20 Ill. Reg. 15312, effective NOV 15 1996)

SUBPART 1: INFORMAL INVESTIGATIVE CONFERENCE
ON INSPECTION RESULTS

Section 210.925 Continuances of Informal Investigative Conference

Parties shall be required to proceed at the informal investigative conference presenting all testimonial and/or documentary evidence necessary to support their positions. A request by one party for a continuance will be granted prior to the conference only if the other party agrees and the Director's representative in charge of the conference grants permission. A request for a continuance must be made in person to the Director's representative at the time of the conference and will be granted only upon a showing of good cause.

(Source: Added NOV 15 1996, 20 Ill. Reg. 15312, effective NOV 15 1996)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Admission, Suspension, Expulsion and Discharge Procedures
- 2) Code Citation: 89 Ill. Adm. Code 755
- 3) Section Numbers:
755.25 Amended
755.30 Amended
755.40 Amended
- 4) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3, 10, 11 and 13]
- 5) Effective Date of Rulemaking: November 14, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 14, 1996
- 9) Notice of Proposal Published in Illinois Register: July 21, 1996, 20 Ill. Reg. 8955
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between Proposal and final version: Technical changes made by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of Rulemaking: Allows for younger students to attend ISVT and ISD's outreach services. Also required lead screening for all students under six years of age.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

Springfield, IL 62794-9429

(217) 785-3896

TTY: (217) 785-9301

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

SUBCHAPTER F: EDUCATIONAL FACILITIES

PART 755

ADMISSION, SUSPENSION, EXPULSION AND DISCHARGE PROCEDURES

Section

- 755.10 Eligibility for Specialized Services
- 755.20 Application for Admission
- 755.22 Wards of the Department of Children and Family Services
- 755.25 Components of an Application
- 755.30 Admission of Students with Hearing Impairments
- 755.40 Admission of Blind, Visually Impaired or Deaf-Blind Students
- 755.50 Admission of Students with Severe Physical and Health Impairments
- 755.60 Admissions Review Committee
- 755.70 Meetings of the Admissions Review Committee
- 755.80 Representatives to be Present
- 755.90 Outcome of Application for Admission
- 755.100 Development of the IEP
- 755.110 Wards of the Department of Children and Family Services (Repealed)
- 755.120 Components of an Application (Repealed)
- 755.130 Submission of Applications (Repealed)
- 755.140 Admissions Review Committee (Repealed)
- 755.150 Meetings of the Admissions Review Committee (Repealed)
- 755.160 Representatives to be Present (Repealed)
- 755.170 Outcome of Application for Admission (Repealed)
- 755.180 Multidisciplinary Staffing (Repealed)
- 755.190 Parent Participation in IEP (Repealed)
- 755.200 Diagnostic Period (Repealed)
- 755.210 Outcome of the Evaluation (Repealed)
- 755.220 Discharge
- 755.230 Case Study Evaluation to Determine Whether a Student is Inappropriately Placed
- 755.240 Interim Services
- 755.250 Suspensions, Changes in Placements, and Discharges of Students who are Dangerous to Themselves or Others

AUTHORITY: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3, 10, 11 and 13).

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 18, 1982; codified at 6 Ill. Reg. 1437/0; amended at 12 Ill. Reg. 1397/1, effective August 1, 1988; amended at 15 Ill. Reg. 1143, effective December 10, 1991; amended at 20 Ill. Reg. **15321**, effective **NOV 14 1996**.

Section 755.25 Components of an Application

DEPARTMENT OF REHABILITATION SERVICES

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a) Application to a State School can be made in one of the following ways:

- 1) by the district; or
- 2) in the case of the Illinois School for the Deaf (ISD) or the Illinois School for the Visually Impaired (ISVI), if a parent disagrees with the placement option of the district after the Multidisciplinary Conference (MDC) and Individualized Education Program (IEP) are completed, the parent may apply directly to ISD or ISVI; however, placement of school district referrals shall be given priority over placement of these applicants. ISD or ISVI shall notify in writing or by telephone the district within 15 days after receipt of an application from a parent. If the student is currently in a public school, the student's educational ratio and commodities are sufficient, applications by parents shall be considered at quarterly admission meetings (89 Ill. Adm. Code 755.70).

b) The following shall be submitted to the facility administrator of the State School at the time of application:

- 1) Application. (IL 486-126)
- 2) A copy of the student's most recent MDC and IEP Report developed by the district or a copy of the Hearing Officer's decision from an appeal pursuant to 89 Ill. Adm. Code 800.
- 3) A letter from the education official of the district formally requesting admission for an additional placement. If the provisions in subsection (a)(2) above apply, a letter shall not be required.
- 4) The student's medical history, including a detailed immunization record, and family history of hearing loss, visual impairment, congenital/physical and health problems, and any motor, speech, or self-care limitations the student may possess.
- 5) Appropriate medical examinations:
 - A) Either a current general physical examination or a Certificate of Child Health Examination (Department of Public Health form 001.2) completed within one year prior to application.
 - B) An audiological examination or an otological examination.
 - C) Applicants to ISD-R must submit a medical examination report from the Division of Specialized Care for Services for Deaf-Blind Children, if available.
 - D) Applicants to ISVI must submit an ophthalmological or optometric examination report.
 - E) All students six years of age or younger must submit a lead blood level screening report prior to admission as required by 77 Ill. Adm. Code 665.10(f).
- 6) The student's most recent case study evaluation including all components required by 23 Ill. Adm. Code 246.535. If the evaluation is more than three years old, the State School will

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either request the district to conduct and submit a current case study evaluation or make arrangements for a case study evaluation to be conducted at the State School prior to the student being considered for admission.

- 7) Other educational, medical, and social reports and documents as may be necessary for the application process (e.g., guardianship papers and birth certificate).

(Source: Amended at 20 Ill. Reg. 15321, effective NOV 1 1996)

Section 755.30 Admission of Students with Hearing Impairments

The Superintendent facility-administrator of ISD shall admit students between the ages of three and twenty-one, if space is available, when it has been determined through an application and evaluation process that ISD can provide an appropriate program and the student is an Illinois resident who can meet the following criteria:

- a) who has been diagnosed by a qualified otologist licensed pursuant to the Medical Practice Act of 1987 (225 ILCS 60) (4111-Rev-Stat-1989; ch-1111-par-4489-1-et-seq), or
- b) has been diagnosed by a qualified audiologist licensed pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act of 1987 (225 ILCS 60) (4111-Rev-Stat-1989; ch-1111-par-4489-1-et-seq) as having a hearing impairment including those with secondary disabilities, in accordance with 89 Ill. Adm. Code 765.10(d), between the ages of three and twenty-one who reside in Illinois; if space is available, and it has been determined through an application and evaluation process that ISD can provide an appropriate program.

In addition, the Superintendent may make both outreach and center based services available to infants with hearing impairments between the ages of birth to three if funds are available to provide for such services.

(Source: Amended at 20 Ill. Reg. 15321, effective NOV 1 1996)

Section 755.40 Admission of Blind, Visually Impaired or Deaf-Blind Students

The Superintendent facility-administrator of the Illinois School for the Visually Impaired (ISVI) shall admit students blind-visually-impaired-or deaf-blind-students-diagnosed-by-an-ophthalmologist-licensed-pursuant-to-the-Medical-Practice-Act-of-1989-4111-Rev-Stat-1989-ch-1111-par-4489-1-et-seq; or optometrist-licensed-pursuant-to-the-illinois-Optometric-Practice-Act 4111-Rev-Stat-1989-ch-1111-par-3881-et-seq; as having a visual impairment including those with secondary disabilities in accordance with 89 Ill. Adm. Code 765.10(f) between the ages of five and twenty-one who reside in Illinois, if space is available. When funds have been obtained the Superintendent shall submit an application and evaluation process that ISVI can provide an appropriate

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

program, and the student is an Illinois resident who can meet the following criteria:

- a) has been diagnosed by an ophthalmologist licensed pursuant to the Medical Practice Act of 1989 (225 ILCS 60), or
- b) has been diagnosed by an optometrist licensed pursuant to the Illinois Optometric Practice Act (225 ILCS 80) as blind or visually impaired, including those with secondary disabilities, in accordance with 89 Ill. Adm. Code 765.10(d).

In addition, the Superintendent may make both outreach and center based services available to infants with sight impairments between the ages of birth and five if funds are available to provide such services.

(Source: Amended 20 Ill. Reg. 15221, effective NOV 14 1995)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Driving and Parking

- 2) Code Citation: 92 Ill. Adm. Code 397

- 3) Section Numbers: 397.2000
Adopted Action:
Amend

- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch.18b]

- 5) Effective date of rules: November 18, 1996

- 6) Does this rulemaking contain an automatic renewal date? No

- 7) Does this amendment contain incorporations by reference? Yes
These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.

- 8) Date filed in agency's principal office: November 18, 1996

- 9) Notice of proposal published in Illinois Register: August 16, 1996, 20 Ill. Reg. 10784

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version: The following changes were made in agreement with JCAR and the Code Division: The Department corrected the Statutory Authority in the Notice and the text.

The Department deleted the parens in the FR cite at question #15 on the Notice.

- 12) Have all the changes raised upon by the Agency and JCAR been made as indicated in the amendments letter issued by JCAR? No changes were necessary.

- 13) Will this rule replace an Emergency Rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 397, as of October 1, 1995 and including the federal rulemaking adopted at 61 FR 1842, January 24, 1996.

This rulemaking incorporates by reference changes made in the following:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

61 FR 1842, January 24, 1996 makes technical amendments to the regulations.

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212 Chicago, Illinois 60679-4212
(312) 785-1811

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92. TRANSPORTATION
CHAPTER 1. DEPARTMENT OF TRANSPORTATION
SUBCHAPTER 4. MOTOR CARRIER SAFETY REGULATIONS

PART 397

DRIVING AND PARKING

Section

397.1000 General
397.1010 Application
397.1020 Incorporation By Reference of 49 CFR 397

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; codified at 8 Ill. Reg. 17986; recodified from 92 Ill. Adm. Code 397 Subchapter c at 14 Ill. Reg. 3281; Part repealed, new Part adopted at 14 Ill. Reg. 15496, effective September 10, 1990; amended at 15 Ill. Reg. 13158, effective August 21, 1991; amended at 18 Ill. Reg. 736, effective January 11, 1994; amended at 19 Ill. Reg. 13035, effective August 30, 1995; amended at 20 Ill. Reg. 1327, effective NOV 13 1996.

Section 397.1020 Incorporation By Reference of 49 CFR 397

- a) The Department incorporates "Driving and Parking" (49 CFR 397) by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1995 1994, as amended at 61 FR 1842, January 24, 1996 59-FR-69924-December-12-1994, subject only to the exceptions in subsections (b) and (c). No later amendments to or editions of 49 CFR 397 are incorporated.
- b) Section 397.1 is deleted and not incorporated.
- c) Section 397.2 is deleted and not incorporated.
- d) References to subchapters, parts, subparts, sections or paragraphs shall be substituted with the appropriate citation in 49 CFR.
- e) The following addition to 49 CFR 397 shall apply for purposes of this Part. Authorized Illinois State Police shall place drivers out-of-service for violations of the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 20 Ill. Reg. 15327, effective NOV 13 1996.)

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Driving of Motor Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 392
- 3) Section Numbers: Adopted Action:
392.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch.18b]
- 5) Effective date of rules: November 18, 1996
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this amendment contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: November 18, 1996

9) Notice of proposal published in Illinois Register: August 16, 1996, 20 Ill. Reg. 10787

10) Has JCARR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: The following changes were made in agreement with JCARR and the Code Division:

The Department corrected the Statutory Authority in the Notice and the text.

The Department corrected the Main Source Note.

12) Have all the changes agreed upon by the Agency and JCARR been made as indicated in the agreements letter issued by JCARR? No changes were necessary.

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 392 as of October 1, 1995 and including the federal rulemaking adopted at 61 FR 9546, March 8, 1996.

This rulemaking incorporates by reference changes made in the following Dockets:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

Dockets MC-92-19 and MC-92-23 (61 FR 9546, March 8, 1996) make technical, substantive amendments by terminating a schedule and providing for metrification conversion.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, IL 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER 1: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER 4: MOTOR CARRIER SAFETY REGULATIONS

PART 392

DRIVING OF MOTOR VEHICLES

Section 392.1000

392.1000 General

392.2000 Incorporation by Reference of 49 CFR 392

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law (625 ILCS 5/Ch. 18b).

SOURCE: Adopted at 14 Ill. Reg. 15503, effective September 10, 1990; amended at 15 Ill. Reg. 13155, effective August 21, 1991; amended at 18 Ill. Reg. 740, effective January 11, 1994; amended at 18 Ill. Reg. 10359, effective June 15, 1994; amended at 19 Ill. Reg. 13038, effective August 30, 1995; amended at 20 Ill. Reg. 15330, effective NOV 14 1996.

Section 392.2000 Incorporation by Reference of 49 CFR 392

- a) "Driving of Motor Vehicles" (49 CFR 392) is incorporated by reference, except parts of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 392.392, 392.393, 392.394, 392.395, 392.396, 392.397, 392.398, 392.399, 392.400, 392.401, 392.402, 392.403, 392.404, 392.405, 392.406, 392.407, 392.408, 392.409, 392.410, 392.411, 392.412, 392.413, 392.414, 392.415, 392.416, 392.417, 392.418, 392.419, 392.420, 392.421, 392.422, 392.423, 392.424, 392.425, 392.426, 392.427, 392.428, 392.429, 392.430, 392.431, 392.432, 392.433, 392.434, 392.435, 392.436, 392.437, 392.438, 392.439, 392.440, 392.441, 392.442, 392.443, 392.444, 392.445, 392.446, 392.447, 392.448, 392.449, 392.450, 392.451, 392.452, 392.453, 392.454, 392.455, 392.456, 392.457, 392.458, 392.459, 392.460, 392.461, 392.462, 392.463, 392.464, 392.465, 392.466, 392.467, 392.468, 392.469, 392.470, 392.471, 392.472, 392.473, 392.474, 392.475, 392.476, 392.477, 392.478, 392.479, 392.480, 392.481, 392.482, 392.483, 392.484, 392.485, 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- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in the FMCSR.
- c) The following addition to 49 CFR 392 shall apply for purposes of this Part.

Authorized Illinois State Police shall place out-of-service for violations of the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended NOV 14 1996, at 20 Ill. Reg. 15330, effective

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Employee Commute Options

2) Code Citation: 92 Ill. Adm. Code 600

Section Numbers:	Adopted Action:
600.10	Repeal
600.20	Repeal
600.30	Repeal
600.40	Repeal
600.50	Repeal
600.60	Repeal
600.70	Repeal
600.80	Repeal
600.90	Repeal
600.100	Repeal
600.110	Repeal
600.120	Repeal
600.130	Repeal

4) Statutory Authority: Implementing and authorized by the Employee Commute Options Act (625 ILCS 32) (Repealed June 1996)

5) Effective date of rules: November 18, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) Date filed in agency's principal office: November 18, 1996

9) Notice of proposal published in Illinois Register: August 9, 1996, 20 Ill. Reg. 10583

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: None

12) Have all the changes raised upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules: The Clean Air Act Amendments of 1990 required states with severe nonattainment areas to implement a mandatory employer trip reduction program. In order to comply with this mandate,

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

Illinois passed the Employee Commute Options Act (625 ILCS 321). Pursuant to the Act, the Illinois Department of Transportation adopted rules implementing the Act at 92 Ill. Adm. Code 600.

In December 1995, the United States Congress passed and the President signed legislation amending the Clean Air Act to eliminate the requirement for such a program. In June 1996, the Illinois Employee Commute Options Act was repealed. Therefore, the Department no longer has statutory authority for the Employee Commute Options rule (92 Ill. Adm. Code 600).

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Susan Stitt, Air Quality Manager
Illinois Department of Transportation
Office of Planning and Programming, Room 307
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-2863

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hours of Service of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 395
- 3) Section Numbers: Adopted Action:
395.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law (625 ILCS 5/Ch.18b)
- 5) Effective date of rules: November 18, 1996
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this amendment contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: November 18, 1996
- 9) Notice of proposal published in Illinois Register: August 16, 1996, 20 Ill. Reg. 10790
- 10) Has JCARR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: The following changes were made in agreement with JCARR and the Code Division:
The Department corrected the Statutory Authority in the Notice and the text.
The Department deleted the parens in the FR cite at question #15 on the Notice.
Section 395.2000(c)(4) has been revised.
- 12) Have all the changes agreed upon by the Agency and JCARR been made as indicated in the amendments letter issued by JCARR? No changes were necessary.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 395 as of October 1, 1995 and including the federal rulemaking adopted at 61 FR 14677, April 3, 1996.

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

This rulemaking incorporates by reference changes made in the following:

61 FR 14677, April 3, 1996 amends the regulations to conform to statutory exemptions provided for in the National Highway System Designation Act of 1995 (the Act). The Act provided exemptions from certain requirements for employers engaged in:

- The transportation of agricultural commodities and farm supplies;
- The transportation of ground water drilling rigs;
- The transportation of construction materials and equipment;
- The operation of utility service vehicles; and
- The operation of snow and ice removal equipment within the boundaries of an eligible unit of local government.

These exemptions relate to the hours-of-service and the commercial driver's license requirements of the regulations.

Section 395.1 at 61 FR 14677, April 3, 1996 provides each state the authority to determine the planting and harvesting seasons within the state. This rulemaking designates the period of February 1 through November 30 of each year as the planting and harvesting season in Illinois. The Department determined these months at the request of special interest groups representing the agricultural industry.

By this Notice, Section 395.2000(c)(4) is deleted and is replaced by a new subsection (c)(4) which addresses only agricultural movements. Subsections (c)(5) and (c)(6) are added to provide exemptions for farm-to-market agricultural transportation and grain hauling operations which were previously provided for in Section 395.2000(c)(4).

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, IL 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page.

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER 4: MOTOR CARRIER SAFETY REGULATIONS

PART 395
HOURS OF SERVICE OF DRIVERS

Section 395.1000
395.2000
Incorporation by Reference of 49 CFR 395

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b].

SOURCE: Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 13353, effective NOV 1 1996.

Section 395.2000 Incorporation by Reference of 49 CFR 395

a) Hours of Service of Drivers" (49 CFR 395) is incorporated by reference in that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 1995 1994, as amended at 61 FR 14672, April 3, 1996 59-PR-60319-November-23-1994, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated.

b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.

c) The following interpretations of, additions to and deletions from 49 CFR 395 shall apply for purposes of this part.

- 1) Sections 395.1(i) and 395.1(j) are deleted and are not incorporated.
- 2) Section 395.1(c) is amended to read as follows: "The carrier shall establish that drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status. (Section 18b-105(d) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(d)])"

3) Section 395.13 is not incorporated and the following substituted therefor:

- A) Authority to declare drivers out-of-service due to violations of the "North American Uniform Out-of-Service Criteria" as defined in 92 Ill. Adm. Code 390.1020. Every Illinois State Police officer certified to conduct Commercial Vehicle Inspections (Level 1 or 2) or as a driver out-of-service aet forth in subsection (c)(3)(B) and to notify the motor carrier of that declaration upon

DEPARTMENT OF TRANSPORTATION
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finding at the time and place of examination that the driver has violated the out-of-service criteria.

- B) Out-of-Service Criteria
- i) No driver shall drive after being on duty in excess of the maximum periods permitted by 49 CFR 395.
 - ii) No driver required to maintain a record of duty status under 49 CFR 395.8 or 395.15 shall fail to have a record of duty status current on the day of examination and for the prior seven consecutive days.
 - iii) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but who has completed records of duty status up to that time (previous 6 days), shall have the opportunity to make the duty status record current.
- C) Responsibilities of motor carriers
- i) No motor carrier shall:
 - 1) Require or permit a driver who has been declared out-of-service to operate a motor vehicle until that driver may lawfully do so under the requirements in 49 CFR 395;
 - 2) Require a driver who has been declared out-of-service for failure to prepare a record of duty status to operate a motor vehicle until that driver has been off duty for eight consecutive hours and is in compliance with this Section. The consecutive eight hour off duty period may include sleeper berth time.

ii) Any carrier shall, if required (refer to 92 Ill. Adm. Code 395.20.0), complete and submit the "Notice to Motor Carrier" portion of the Form ISP 5-238 (Illinois Commercial Driver-Vehicle Inspection Report) and deliver the copy of the form either personally or by mail to the Illinois State Police Motor Carrier Safety Section at the address specified upon the form within 15 days following the date of examination. If the motor carrier mails the form, delivery is made on the date it is postmarked.

- D) Responsibilities of the Driver:
- i) No driver who has been declared out-of-service shall operate a motor vehicle until that driver may lawfully do so under the requirements of 49 CFR 395.
 - ii) No driver who has been declared out-of-service, for failing to prepare a record of duty status, shall operate a motor vehicle until the driver has been off duty for eight consecutive hours and is in compliance with this Section.
 - iii) A driver to whom a form has been tendered declaring the driver out-of-service shall within 24 hours

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NOTICE OF ADOPTED AMENDMENTS

thereafter deliver or mail the copy to a person or office designated by the carrier to receive it.

iv) These Sections do not alter the hazardous materials requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of motor vehicles.

- 4) Part 395 shall not apply to agricultural movements that are engaged in intrastate commerce during planting and harvesting season as defined in 92 Ill. Adm. Code 390.1020. (Section 18b-105(c)(6) of the Law) (6) FR 14677, April 3, 1996)
- 4*) Part 395 shall not apply to agricultural movements between the period of February 15 through June 30 each year and all farm-to-market-agricultural transportation as defined in 92 Ill. Adm. Code 390.1020 and for grain hauling operations within a radius of 200 air miles of the normal work reporting location that are engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)
- 5) Part 395 shall not apply to all farm to market agricultural transportation as defined in 92 Ill. Adm. Code 390.1020 that is engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)
- 6) Part 395 shall not apply to any grain hauling operations that are engaged in intrastate commerce within a radius of 200 air miles of the normal work reporting location. (Section 18b-105(c)(6) of the Law)

(Source: Amended at 20 Ill. Reg. 15335, effective NOV 14 1996)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Inspection, Repair and Maintenance
- 2) Code Citation: 92 Ill. Adm. Code 396
- 3) Section Numbers: Adopted Action:
396.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch.18b]
- 5) Effective date of rules: November 18, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in Agency's principal office: November 18, 1996
- 9) Notice of proposal published in Illinois Register: August 16, 1996, 20 Ill. Reg. 10796
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: The following changes were made in agreement with JCAR and the Code Division:
The Department corrected the Statutory Authority in the Notice and the text.
At Section 396.2000(a), the Department struck through the comma after "1994".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the amendments letter issued by JCAR? No changes were necessary.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 396 as of October 1, 1995.
- 16) Information and questions regarding these adopted rules shall be directed to:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19312
Springfield, IL 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 92. TRANSPORTATION
CHAPTER 11. DEPARTMENT OF TRANSPORTATION
SUBCHAPTER 6. MOTOR CARRIER SAFETY REGULATIONS

PART 396
INSPECTION, REPAIR AND MAINTENANCE

Section

396.1000 General
396.2000 Incorporation by Reference of 49 CFR 396
396.2010 Inspection of Vehicles in Operation

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b].

SOURCE: Adopted at 14 Ill. Reg. 15512, effective September 10, 1990; amended at 15 Ill. Reg. 13167, effective August 21, 1991; amended at 16 Ill. Reg. 14431, effective September 8, 1992; amended at 18 Ill. Reg. 749, effective January 11, 1994; amended **5340**, 1. Reg. 13046, effective August 30, 1995; amended at 20 Ill. Reg. **1**, effective **NOV 14 1995**.

Section 396.2000 Incorporation by Reference of 49 CFR 396

- a) The Department incorporates "Inspection, Repair and Maintenance" (49 CFR 396) by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1993 as amended at 49 CFR 390.391-397-399, subject only to the exceptions in Subsection (c). No later amendments to or editions of 49 CFR 396 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 396 shall apply for purposes of this Part.

- 1) Section 396.9 is deleted and not incorporated.
- 2) Section 396.11 shall not apply to the operator of a commercial vehicle used in intrastate commerce. (Section 18b-105(c)(3) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(c)(3)])
- 3) Paragraphs (b) and (c) of Section 396.13 shall not apply to the operator of a commercial vehicle used in intrastate commerce. (Section 18b-105(c)(3) of the Law)
- 4) Any commercial motor vehicle used in intrastate commerce that is inspected semi-annually pursuant to Section 13-109 of the Illinois Vehicle Code (the Code) [625 ILCS 5/13-109] has complied with the periodic inspection procedures required by 49 CFR 396.17.

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(Source: Amended **at** 20 Ill. Reg. **15340**, effective **NOV 14 1995**)

DEPARTMENT OF TRANSPORTATION
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- 1) Heading of the Part: Motor Carrier Safety Regulations: General
- 2) Code Citation: 92 Ill. Adm. Code 390
- 3) Section Numbers:
390.1020 Amend
390.1030 Amend
390.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch.18b]
- 5) Effective date of rules: November 18, 1996
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this amendment contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in Agency's Principal Office: November 18, 1996
- 9) Notice of proposal published in Illinois Register: August 16, 1996, 20 Ill. Reg. 10800
- 10) Has JCARR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: The following changes were made in agreement with JCARR and the Code Division:

The Department inserted a new definition in Section 390.1020. The Department defined "planting and harvesting season".

The Department corrected the Notice page at question #4.

The Department corrected the Statutory Authority Note on the Table of Contents page.

The Department corrected the Main Source Note.

In Section 390.1020, "Accident," the Department added a closed paren after "as defined in 49 CFR 571.3."

In Section 390.1020, "business District," the Department moved the closed paren to the end of the ICS citation and deleted the period.

The Department changed "or" to "of" in Section 390.1020, "Charter transportation of passengers."

DEPARTMENT OF TRANSPORTATION
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- The Department inserted a colon between "of" and "driver's" in Section 390.1020, "Commercial Vehicle Inspections."
- The Department changed "Damage" to lower case in Section 390.1020, "Disabling Damage."
- The Department, in Section 390.1020, "Hazardous Waste" changed "State" to lower case.
- The Department corrected the ICS citation at Section 390.1020, "Law."
- At Section 390.2000(b)(4), the Department changed the "or" to a period.
- 12) Have all the changes aured upon by the Agency and JCARR been made as indicated in the agreements letter issued by JCARR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 571.303-10, "Planting and Harvesting Season," and 49 CFR 571.303-11, "Accident," to 49 CFR as of October 1, 1995. This amendment will also include the federal rulemaking adopted at 61 FR 9516, March 8, 1996.

This rulemaking incorporates by reference changes made in the following Dockets:

Dockets MC-92-19 and MC-92-23 (61 FR 9516, March 8, 1996) make technical, nonsubstantive amendments. For example, changes to this Part include updating the FHWA Regional Offices of Motor Carriers as stated in 49 CFR 390.77.

Section 390.1020 is amended to include metric conversion in the definition of "Commercial Motor Vehicle." The metric conversion included in 61 FR 9516, March 8, 1996 is located in 49 CFR 390, Subpart A which is not incorporated by reference in this Part.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 62794
Springfield, IL 62794-9212

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(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTSTITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 390

MOTOR CARRIER SAFETY REGULATIONS: GENERAL

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section	Purpose
390.1000	General Applicability
390.1010	Definitions
390.1020	Rules of Construction
390.1030	

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section

390.2000 Incorporation by Reference

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b].

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 3171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective August 18, 1992; amended at 17 Ill. Reg. 13942, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. 13050, effective August 30, 1995; amended at 20 Ill. Reg. 15346, effective November 1, 1996.

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section 390.1020 Definitions

The following definitions apply to all Parts in the MCSR unless a specific Part expressly defines a term different than what is used below:

"Accident" means:

Except as provided below, an occurrence involving a commercial motor vehicle operating on a public road which results in:

A fatality:

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

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One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

The train accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle;

An occurrence involving only the loading or unloading of cargo; or

An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 49 CFR 171.23) by a motor carrier and is not transporting passengers or hazardous materials in quantities in excess of the quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR 177.823. (49 CFR 390.5, October 1, 1995)

"Agricultural movements" means the operation of a motor vehicle or combination of vehicles controlled and operated by a private motor carrier of property that is using the vehicle to transport nonhazardous or hazardous agricultural crop production fertilizers or agricultural chemicals from a local source of supply to farm or field, or from one farm or field to another, or from farm or field back to the local source of supply. (Section 180-101 of the law)

"Alcohol concentration" (AC) means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. "Federal Motor Carrier Safety Regulations: General" (49 CFR 390.5, October 1, 1995 October-17-1994)

"Bus" means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Business district" means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks, or office buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (Section 1-108 of the Illinois Vehicle Code (the Code)) [625 ILCS 5/1-108]1

"Charter transportation of passengers" means transportation, using a

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bus, or a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the vehicle, have acquired the exclusive use of the vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Code" means the Illinois Vehicle Code [625 ILCS 5].

"Commerce" means trade, commerce or transportation within the State. (Section 180-101(1) of the law)

"Commercial motor vehicle (CMV)" means any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds (4,536 or more kilograms); or any vehicle designed to transport passengers or property in interstate or intrastate commerce when the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 of the Code nor implements of husbandry as defined in Section 1-130 of the Code. (Section 180-101 of the law)

"Commercial Vehicle Inspections" means:

Level 1 - North American Standard Inspection: An inspection that includes each of the items specified under the North American Uniform Out-of-Service Criteria. As a minimum, North American Standard inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, alcohol and drugs, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels and rims, tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield wipers and wipers, lighting devices, safe loading, and hazardous material requirements as applicable.

Level 2 - Walk Around Driver/Vehicle Inspection: An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield and wipers, wheels, tires, fuel system, exhaust system, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and hazardous material

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requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle.

Level 3 - Driver Only Inspection: A roadside examination of the driver's license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report. (Commercial Vehicle Safety Alliance (CVSA), CVSA Operations Manual, January 1995 1993)

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or no contest by the person, or a finding of guilt by a court of law, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5, October 1, 1995 October-1-1994)

"Department" means the Illinois Department of Transportation. (Section 18b-101 of the Law)

"Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential services (such as food, clothing, shelter, and medical care) or transportation to or from a rehabilitation facility of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. (49 CFR 390.5, October 1, 1995 October-1-1994)

"Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Exclusions:

Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

Tire disassembly without other damage even if no spare tire is available.

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Headlamp or taillight damage.

Damage to turn signals, horn or windshield wipers which makes them inoperative. (49 CFR 390.5, October 1, 1995 October-1-1994)

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of "Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51(b)(2)(1)(A) or (B)) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, 1995 October-1-1994)

"Driveaway-towaway operation" means any operation in which a motor vehicle is towed from the scene of an accident, transported and one or more of the wheels of the vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, 1995 October-1-1994)

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5, October 1, 1995 October-1-1994)

"Emergency" means any hurricane, tornado, storm (e.g., thunderstorm, snowstorm, ice storm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, blackout, or other occurrence, natural or man-made, which threatens the delivery of essential services (such as food, clothing, shelter, and medical care), telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel) or otherwise immediately threatens human life or public welfare, provided such hurricane, tornado, or other event results in:

A declaration of an emergency by the President of the United States, the Governor of a state, or their authorized representatives having authority to declare emergencies; by the Regional Director of Motor Carriers for the region in which the occurrence happens; or by other Federal, State or local government officials having authority to declare emergencies, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee, or

A request by a police officer for tow trucks to move wrecked or disabled vehicles. (49 CFR 390.5, October 1, 1995 October-1-1994)

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"Emergency relief" means an operation in which a motor carrier or driver of commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this Section. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Employee" means:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

A mechanic;

A freight handler; and

Any individual, who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any state, any political subdivision of a state, or any agency established under a compact between states approved by the Congress of the United States.

"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Interstate Commerce Commission (ICC) in "Commercial Zones" (49 CFR 1048), revised as of October 1, 1975. The descriptions are printed in Appendix F to the Motor Carrier Safety Regulations. A driver may be considered to operate a vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the Interstate Commerce Motor Carrier Transportation Regulations (49 U.S.C. 10526). "Exempt motor carrier" are subject to the requirements set forth in the Motor Carrier Safety

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Regulations. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Farm to market agricultural transportation" means the operation of a motor vehicle controlled and operated by a farmer who is a private motor carrier of property; who is using the vehicle to transport agricultural products to or from a farm operated by the farmer, or to transport farm machinery or farm supplies to or from a farm operated by the farmer; and who is not using the commercial vehicle to transport hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Illinois Hazardous Materials Transportation Act. (Section 100-101 of the law)

"Farm machinery" -- see definition of "Special Agricultural Movement Equipment" in this Section.

"Farm vehicle driver" means a person who drives only a commercial motor vehicle that is --

Controlled and operated by a farmer as a private motor carrier of property;

Being used to transport either --

Agricultural products, or

Farm machinery, farm supplies, or both, to or from a farm;

Not being used in the operation of a for-hire motor carrier;

Not carrying hazardous materials of a type or quantity that required the vehicle to be placarded in accordance with 49 CFR 177.82; and

Being used within 150 air-miles of the farmer's farm.

"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:

Are owned by that person; or

Are under the direct control of that person. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Fatality" means any injury which results in the death of a person at the time of the motor vehicle accident or within 30 days after the accident. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Federal Highway Administrator" means the chief executive of the

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Federal Highway Administration, an agency within the United States Department of Transportation. (49 CFR 390.5, October 1, 1995 October 1, 1995 October 1, 1995)

"For-hire" means the operation of a vehicle for compensation and subject to federal regulation by the Interstate Commerce Commission or to State regulation by the Illinois Commerce Commission. (Section 1-124 of the Code)

"For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation. (49 CFR 390.5, October 1, 1995 October 1, 1995)

"Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR shall be the sum of the GVWR of the power unit and the total weight of the loaded unit and any load thereon. (49 CFR 390.5, October 1, 1995 October 1, 1995)

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle. (49 CFR 390.5, October 1, 1995 October 1, 1995)

"Hazardous material" means a substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. (49 CFR 390.5, October 1, 1995 October 1, 1995)

"Hazardous substance" means a material, and its mixtures or solutions, that is identified in the "Hazardous Materials Table and Hazardous Materials Communications" (49 CFR 172.101) when offered for transportation in one package, or in one transport vehicle if not packaged, and the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels, or to mixtures or solutions of hazardous substances if in a concentration less than that shown in "General Information, Regulations and Definitions" (49 CFR 171.8) based on the reportable quantity (RQ) specified for the materials listed in 49 CFR 172.101. (49 CFR 390.5, October 1, 1995 October 1, 1995)

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in "Standards Applicable to Generators of Hazardous Waste" (40 CFR 262) or would be subject to these requirements absent an interim authorization to a State under "State Program Requirements" (40 CFR 123), Subpart

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F. (49 CFR 390.5, October 1, 1995 October 1, 1995)

"Illinois State Police" means any individual officer of the Illinois State Police.

"Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder. (Section 1-130 of the Code)

"Intermittent, casual, or occasional driver" means a driver who in any period of 7 consecutive days is employed or used as a driver by more than a single motor carrier. The qualification of such a driver shall be determined and recorded in accordance with the provisions of 49 CFR 391.63 or 391.65, as applicable. (49 CFR 390.5, October 1, 1995 October 1, 1995)

"Interstate commerce" means transportation between two or more states or transportation originating in one state and passing into or through other states for delivery in another state. (Section 1-133 of the Code)

"Intrastate commerce" means any trade, traffic, or transportation in Illinois which is not described in the term "interstate commerce." (49 CFR 390.5, October 1, 1994)

"Law" means the Illinois Motor Carrier Safety law [625 ICS 5/Ch. 106].

"Medical Examiner" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. The term includes doctors of medicine, doctors of osteopathy, and doctors of chiropractic.

"Motor carrier" means a for-hire motor carrier or a private motor carrier. The term "motor carrier" includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of the MCSR, the definition of motor carrier includes the purposes of the MCSR, the definition of motor carrier. (49 CFR 390.5, October 1, 1995 October 1, 1995)

"Motor Carrier Safety Regulations (MCSR)" means the requirements

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established in Parts 386, 390, 391, 392, 393, 395, 396 and 397 (92 Ill. Adm. Code: Chapter I, Subchapter d).

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration, but does not include a vehicle designed to be used exclusively for the transportation of mail, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. (49 CFR 390.5, October 1, 1995 October-17-1994)

"North American Uniform Out-Of-Service Criteria" means a set of guidelines recognized by all states and the provinces of Canada as acceptable standards for identifying driver violations and critical vehicle inspection items that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced by law enforcement officers of a state or the Federal government.

"Operator" -- see driver.

"Other terms" -- any other term used in the MCSR is used in its commonly accepted meaning, except where such other term has been defined elsewhere in the MCSR. In that event, the definition therein given shall apply. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Out-of-service order" means a declaration by an authorized enforcement officer of a Federal, State, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a hazardous material load is out of service under the MCSR. (49 CFR 390.5, 49 CFR 391.13, 49 CFR 396.9 or compatible laws, or the North American Uniform Out-Of-Service Criteria as defined in this Section. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns. (Section 1b-10(15) of the law)

"Planting and harvesting season" means the period of February 1 through November 30 each year. (61 FR 14677, April 3, 1996)

"Principal place of business" means a single location designated by the motor carrier, normally its headquarters, where records required by "Minimum Levels of Financial Responsibility for Motor Carriers" (49

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CFR 387), "Federal Motor Carrier Safety Regulations: General" (49 CFR 390), "Qualification of Drivers" (49 CFR 391), "Hours of Service of Drivers" (49 CFR 395), and "Inspection, Repair and Maintenance" (49 CFR 396) will be maintained. Provisions in the MCSR are made for maintaining certain records at locations other than the principal place of business. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Private motor carrier" means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Private motor carrier of passengers (business)" means a private motor carrier engaged in the interstate or intrastate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Private motor carrier of passengers (nonbusiness)" means a private motor carrier involved in the interstate or intrastate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business). (49 CFR 390.5, October 1, 1995 October-17-1994)

"Radar detector" means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

Transported outside the driver's compartment of the vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the vehicle. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Regional Director" means the Director of the Office of Motor Carrier Regulation, Federal Highway Administration, for given States or regions of the United States. (49 CFR 390.5, October 1, 1995 59-PR 60319-November-23-1994)

"Regularly employed driver" means a driver who, in any period of seven consecutive days, is employed or used as a driver solely by a single motor carrier. (49 CFR 390.5, October 1, 1995 October-17-1994)

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"Residential district" means the territory adjacent to and including a highway which is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5, October 1, 1995 October-17-1994)

"School bus" means a passenger motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which is designed or used primarily for the transportation of children. It is determined to be significantly used for the purpose of transporting preprimary, primary or secondary school students to such schools from home or from such schools to home. (49 CFR 390.5, October 1, 1995 October-17-1994)

"School bus operation" means the use of a school bus to transport only school children and school personnel from home to school and from school to home and for intrastate sanctioned school functions.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Special agent" - See 49 CFR Appendix B to Subchapter B of Chapter III.

"Special agricultural movement equipment" means a vehicle of the second division having a corn shelter, a welldriller, hay press, clover huller, feed mixer and unloader or other farm machinery permanently mounted thereon and used solely for transporting the same, farm wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and farm wagon type tank trailers (i.e., nurse tanks) not to exceed 2,000 gallon capacity. Also includes any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise especially adapted for the application of plant food materials or agricultural chemicals. (Section 3-809 of the Code)

"State" means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Trailer" includes:

"Full trailer" means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing unit. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer. (49 CFR 390.5, October 1, 1995 October

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"Pole trailer" means any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between supporting connections. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Semitrailer" means any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Truck" means any self-propelled motor vehicle except a truck/tractor, designed and/or used for the transportation of property. (49 CFR 390.5, October 1, 1995 October-17-1994)

"Truck/tractor" means a self-propelled motor vehicle designed and/or used primarily for drawing other vehicles. (49 CFR 390.5, October 1, 1995 October-17-1994)

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5, October 1, 1995 October-17-1994)

"US DOT" means the United States Department of Transportation.

(Source: Amended at 20 Ill. Reg. 1534, effective November 18, 1990)

Section 390.1030 Rules of Construction

a) In the MCSR unless the context requires otherwise:

- 1) Words imparting the singular include the plural;
- 2) Words imparting the plural include the singular;
- 3) Words imparting the masculine gender include the feminine; and
- 4) Words imparting the present tense include the future tense. (49 CFR 390.7, October 1, 1995 October-17-1994)

b) In the MCSR:

- 1) "Officer" includes any person authorized by law to perform the duties of the officer;
- 2) "Writing" includes printing and typewriting;
- 3) "Shall" is used in an imperative sense;
- 4) "Must" is used in an imperative sense;
- 5) "Should" is used in a recommendatory sense;

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- 6) "May" is used in a permissive sense; and
 7) "Includes" is used as a word of inclusion, not limitation. (49 CFR 390.7, October 1, 1995 October 1, 1994)

(Source: Amended at 20 Ill. Reg. 15344, effective
 NOV 14 1996)

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section 390.200 Incorporation by Reference

- a) 49 CFR 390, subparts B and C are hereby incorporated by reference as those subparts of the FMCSR were in effect on October 1, 1995 October 1, 1994, as amended at 61 FR 9516, March 8, 1996 59 FR 67544-December 29, 1994, subject only to the exceptions in subsection (b). No later amendments to or editions of 49 CFR 390, subpart B and C are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 390, subparts B and C shall apply for the purposes of this Subpart:

- 1) 49 CFR 390.9 is deleted and not incorporated.
- 2) Section 390.15(a) is not incorporated and the following is substituted therefor:

A motor carrier shall make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Highway Administration or Illinois Department of Transportation upon request or as part of any inquiry within such time as the request or inquiry may specify. A motor carrier shall give an authorized representative of the Federal Highway Administration or Illinois Department of Transportation all reasonable assistance in the investigation of any accident including providing a full, true and correct answer to any question of the inquiry.

- 3) 49 CFR 390.21 applies only to commercial motor vehicles engaged in interstate commerce.

- 4) Section 49 CFR 390.23(a)(2)(i)(A) is not incorporated and the following substituted therefor:

An emergency has been declared by a Federal, State or local official having authority to declare an emergency, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his/her designee.

- 5) 49 CFR 390.25 applies only to commercial motor vehicles engaged in interstate commerce.

- 6) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 390.

- 7) Any reference to "this Chapter" or "this Subchapter" in the

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- incorporated material shall mean 92 Ill. Adm. Code: Chapter 1, Subchapter d.
 8) Any reference to a section in the incorporated material shall be read to refer to that Section in the MCSR.

- 9) Any reference to "Part 325 of Subchapter A" shall be read to refer to Commercial Interstate Motor Carrier Noise Emission Standards." (49 CFR 325, October 1, 1995 October 1, 1994)

(Source: Amended at 20 Ill. Reg. 15344, effective
 NOV 14 1996)

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- 1) Heading of the Part: Parts and Accessories Necessary for Safe Operation
- 2) Code Citation: 92 Ill. Adm. Code 393
- 3) Section Numbers: Adopted Action:
393.000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch.18b]
- 5) Effective date of rules: November 18, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: November 18, 1996
- 9) Notice of proposal published in Illinois Register: August 16, 1996, 20 Ill. Reg. 10817
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: The following changes were made in agreement with JCAR and the Code Division:

The Department corrected the Statutory Authority in the Notice and the text.

The Department deleted the paren at question #15 on the Notice.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.

- 13) Will this rule replace an Emergency Rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 393 as of October 1, 1995 and including the Federal rulemaking adopted at 61 FR 1842, January 24, 1996.

This rulemaking incorporates by reference changes made in the following:

- 61 FR 1842, January 24, 1996 makes technical amendments to the

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

regulations.

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19712
Springfield, IL 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER 1: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 393

PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Section 393.1000 General

393.2000 Incorporation by Reference of 49 CFR 393

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b].

SOURCE: Adopted at 14 Ill. Reg. 15537, effective September 10, 1990; amended at 15 Ill. Reg. 13105, effective August 24, 1991; amended at 18 Ill. Reg. 774, effective August 19, 1992; amended at 19 Ill. Reg. 1116, effective August 30, 1993; amended at 20 Ill. Reg. 15362, effective NOV 19 1996.

Section 393.2000 Incorporation by Reference of 49 CFR 393

- a) "Parts and Accessories Necessary for Safe Operation" (49 CFR 393) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 1995 1994, as amended at 61 FR 18437, January 24, 1996, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 393 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to, and deletions from 49 CFR 393 shall apply for purposes of this Part.

- 1) Section 393.93 shall not apply to those commercial motor vehicles engaged in intrastate commerce which were manufactured before June 30, 1972 (Section 18b-105(c)(1) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(c)(1)]).
- 2) Section 393.86 shall not apply for those vehicles registered as farm trucks under Section 3-815(c) of the Illinois Vehicle Code (the Code) [625 ILCS 5/3-815(c)], and utilized in intrastate commerce (Section 18b-105(c)(2) of the Law).
- 3) Authorized Illinois State Police shall place vehicles out-of-service for violations of the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 20 Ill. Reg.

15362,

effective

NOV 14 1996)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Qualification of Drivers

Code Citation: 92 Ill. Adm. Code 391

Section Numbers: 391.2000
Adopted Action: Amend

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b]

Effective date of rules: November 18, 1996

Does this rulemaking contain an automatic renewal date? No

Does this amendment contain incorporations by reference? Yes. These conform to section 5-91(a) of the Illinois Administrative Procedure Act.

Date filed in agency's principal office: November 18, 1996

9) Notice of proposal published in Illinois Register: August 16, 1996, 20 Ill. Reg. 10820

Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: The following changes were made in agreement with JCAR and the Code Division:

The Department corrected the Statutory Authority in the Notice and the text.

The Department removed the parans around the FR cite in question #15 of the Notice.

12) Have all the changes raised upon by the Agency and JCAR been made as indicated in the amendments letter issued by JCAR? No changes were necessary.

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 391 as of October 1, 1995 and including the federal rulemaking adopted at 61 FR 1847, January 24, 1996 and 61 FR 9546, March 8, 1996.

This rulemaking incorporates by reference changes made in the following Dockets:

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NOTICE OF ADOPTED AMENDMENTS

61 FR 1842, January 24, 1996 makes technical, nonsubstantive amendments to the regulations.

Dockets MC-92-19 and MC-92-23 (61 FR 9546, March 8, 1996) make technical, nonsubstantive amendments by terminating a schedule and providing for metrification conversion.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, IL 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 391
QUALIFICATION OF DRIVERS

Section
391.1000 General
391.2000 Incorporation By Reference of 49 CFR 391

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law 1925 ILCS 5/Ch. 18b).

SOURCE: Adopted at 14 Ill. Reg. 15560, effective September 10, 1990; amended at 15 Ill. Reg. 13189, effective August 21, 1991; amended at 16 Ill. Reg. 5362 effective March 23, 1992; amended at 16 Ill. Reg. 14715, effective September 14, 1992; amended at 18 Ill. Reg. 783, effective January 11, 1994; amended at 19 Ill. Reg. 13077, effective August 30, 1995; amended at 20 Ill. Reg. 15365, effective November 18, 1996.

Section 391.2000 Incorporation By Reference of 49 CFR 391

a) The Department hereby incorporates 49 CFR 391 by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 17, 1995. October 17, 1994, as amended at 61 FR 1842, January 24, 1996, and as amended at 61 FR 3546, March 8, 1996. 59 FR 66919-November 19, 1994, as amended at 59 FR 43921-September 10, 1994, as amended at 59 FR 544-September 19, 1994, as amended at 59 FR 13369-March 13, 1995, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 391 are incorporated.

b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR 391.

c) The following interpretations of, additions to and deletions from 49 CFR 391 shall apply for purposes of this Part.

1) Authorized Illinois State Police shall place drivers out-of-service for violations of the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

2) Section 391.11(b)(1) does not apply to the operator of a commercial motor vehicle used in intrastate commerce.

3) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle with a gross vehicle weight rating of less than 10,000 pounds, used in intrastate commerce, if the intrastate transportation of property who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to the Illinois Motor Carrier Safety Regulations

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Structural Pest Control Code
- 2) Code Citation: 77 Ill. Adm. Code 830
- 3) Register Citation to Notice of Proposed Rules: 20 Ill. Reg. 14724 (November 15, 1996)

4) Date, Time and Location of Public Hearing:

December 10, 1996
1:30 p.m. to 3:30 p.m.

Illinois Department of Public Health
First Floor Training Room
525 West Jefferson Street
Springfield, Illinois 62761

- 5) Other Pertinent Information: The hearing will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

- Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
- No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual may request that presenting testimony shall be allowed to complete his/her testimony.
- In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Office may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

- 6) Name and Address of Agency Contact Person: Questions regarding these proposed amendments or the public hearing shall be directed to:

Gail M. DeVito
Administrative Rules Coordinator
Illinois Department of Public Health
535 West Jefferson Street, Fifth Floor
Springfield, IL 62761
(217) 782-6187

DEPARTMENT OF AGRICULTURE

NOTICE OF PERMISSORY AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125

3) Section Numbers:

125.260
Amended
125.270
Amended
125.280
Amended
125.380
Amended
125.400
Amended

- 4) Reference to the Specific State or Federal Court Order, Federal Rule of Statute Which Requires this Permissive Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650/16]; the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Products Inspection Act (21 U.S.C.A. 454); 60 FR 55962 and 61 FR 42143.

- 5) Statutory Authority: The Meat and Poultry Inspection Act (225 ILCS 650/16)

- 6) Effective Date: November 13, 1996

- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and in compliance with Section 16 of the Meat and Poultry Inspection Act, changes in the federal rules relative to meat and poultry products inspection are hereby adopted.

"The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations by removing an obsolete labeling requirement for certain sizes of shingle packed bacon. This rule applies the same requirements for net weight statements to all sizes of shingle packed bacon (August 14, 1996 Federal Register, 61 FR 42143, effective October 15, 1996)

FSIS is also amending the Federal poultry products inspection regulations to prescribe a definition and standard of identity and composition for the poultry product that results from the mechanical separation and removal of most of the bone from skeletal muscle and other tissues of poultry carcasses and parts of carcasses; to prescribe certain limitations for the use of "Mechanically Separated Poultry" (MSP); and to prescribe labeling requirements for MSP, and for poultry products and meat food products containing MSP as an ingredient. FSIS states: "This action establishes the requirement that products containing MSP as an ingredient disclose the fact by identifying it in the ingredients declaration as, in the case of MSP derived from chicken carcasses, 'mechanically separated chicken,' rather than 'chicken'. This action will help ensure that meat and poultry

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

products distributed to consumers are not labeled in a false or misleading manner and are not misbranded." (November 3, 1995 Federal Register, 60 FR 55962, effective November 4, 1996)

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: November 4, 1996
- 10) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this adopted amendment shall be directed to:
 Debbie Wakefield
 Illinois Department of Agriculture
 State Fairgrounds
 P.O. Box 19281
 Springfield, IL 62794-9281
 217/785-5713; Facsimile: 217/785-4505

The full text of the Peremptory amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER 1: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Records and Reports
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Restrictions on the Removal of Carcasses and Parts Passed for Cooking
125.250	Marking, Labeling, and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products
125.300	Special Services Relating to Meat and Other Products

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

125-305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section

125-310 Application of Inspection

125-320 Facilities for Inspection

125-330 Sanitation

125-340 Operating Procedures

125-350 Ante-Mortem Inspection

125-360 Post-Mortem Inspection; Disposition of Carcasses and Parts

125-370 Handling and Disposal of Condemed or Inedible Products at Official Establishments

125-380 Labeling and Containers

125-390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

125-400 Definitions and Standards of Identity or Composition

125-410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act (25 ILCS 650) and Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16).

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 2, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 3216, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3316, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 23, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November

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NOTICE OF PEREMPTORY AMENDMENTS

3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 24, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 15, 1989; peremptory amendment at 13 Ill. Reg. 180, effective February 15, 1989; peremptory amendment at 13 Ill. Reg. 169, effective March 5, 1989; peremptory amendment at 13 Ill. Reg. 1583, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 1311, effective July 1, 1991; peremptory amendment at 15 Ill. Reg. 1319, effective May 26, 1991; effective May 2, 1992; amended at 15 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 15346, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7087, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg.

DEPARTMENT OF AGRICULTURE

NOTICE OF PERMPTORY AMENDMENTS

16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996.

SUBPART B: MEAT INSPECTION

Section 125-260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.3(i)(12) through 317.4(f)(2), 317.6, 317.8, 317.10 through 317.13, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (1990; 55 FR 7289, effective August 28, 1990; 55 FR 34678, effective September 24, 1990; 55 FR 49826 and 50084, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 41447, effective September 20, 1991; 56 FR 67495, effective March 19, 1992; 56 FR 74808, effective September 18, 1991; 57 FR 42189, effective September 6, 1992; 58 FR 8046, effective February 16, 1993; 59 FR 12536, effective April 18, 1994; 59 FR 14528, effective May 27, 1994; 58 FR 632, 58 FR 41787, 58 FR 47624, 58 FR 66075, and 59 FR 12157, effective July 6, 1994; 59 FR 40209, effective August 8, 1994; 59 FR 45189, effective September 1, 1994; 60 FR 174, effective January 3, 1995; 60 FR 12883, effective May 8, 1995; 59 FR 24220 and 60 FR 174, effective November 10, 1995; 60 FR 67444, effective July 1, 1996; 61 FR 52143, effective October 15, 1996).
- b) The Department shall approve only those abbreviations for marks of inspection which are specifically stated in Section 2.45(j)(3) and (k)(3), (4)(5) and (g) specifically stated in Section 2.45(j)(3) and (k)(3).
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official manufacturer's label with the expiration date of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (225 ILCS 470) and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

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- g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
- h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).
- i) Labels to be used for the relabeling of inspected and passed product must be marked and dated. Official labels for inspected product must be relabeled because the original labels have become mutilated or damaged. The official labels shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- k) Labels and containers for inspected products and inspected meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996)

Section 125-270 Entry into Official Establishment; Reinspection and Preparation of Product

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.10, 318.14 through 318.22, 318.23, 318.24, 318.24, 318.300 through 318.311 (1990; 54 FR 43041, effective January 18, 1990; 55 FR 7284, effective August 28, 1990; 55 FR 34678, effective September 24, 1990, as amended by 55 FR 49991, December 4, 1990; 57 FR 27870, effective July 22, 1992; 57 FR 42895, effective October 19, 1992; 58 FR 4007, effective February 12, 1993; 58 FR 41138, effective September 18, 1993; 58 FR 45189, effective September 18, 1993; 58 FR 45218 and 58 FR 45240, effective September 18, 1993; 58 FR 59934, effective December 13, 1993; 58 FR 63921, effective January 3, 1994; 59 FR 12536, effective April 18, 1994; 59 FR 33641, effective June 30, 1994; 59 FR 41640, effective September 14, 1994; 59 FR 62551, effective January 5, 1995; 60 FR 10304, effective February 24, 1995; 60 FR 54295, effective December 22, 1995; 61 FR 18047, effective June 24, 1996; 60 FR 55962, effective November 4, 1996).

DEPARTMENT OF AGRICULTURE

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- b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125-90, a federal inspection legend, or is exempt from inspection as stated in Section 125-110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125-200 and, unless exempt from inspection, shall not be used or prepared until they have been inspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment until it has been inspected. Meat and meat products shall be inspected by the inspector and passed. Wild game carcasses shall be inspected by the inspector and passed. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.
- c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.
- d) Hooks and receiving rooms for meat, and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector. The receiving rooms shall be inspected and, if necessary, not passed. The product article to pass through rooms containing inspected and passed products.
- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125-20.
- f) Casings or casings shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.
- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2-111 of the Act and are in compliance with the provisions of this Section.
- h) References to the provisions of the Federal Food, Drug, and Cosmetic Act concerning exemptions set forth in Section 125-110.
- i) Where those exemptions set forth in Section 125-110.
- j) Reference to 9 CFR 327 are not applicable to the Department in its enforcement of the rules of this part. References to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- in accordance with The Meat and Poultry Inspection Act and the rules of this Part.
- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.
- k) Disinfectants shall be those as set forth in Section 125-180.
- l) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steampressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125-20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the product. The inspector shall inspect samples in accordance with the specific provision in CFR 318.309.
- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125-20.

(Source: Peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996)

Section 125-280 Meat Definitions and Standards of Identity or Composition

The Department incorporates by reference 9 CFR 319 (1990); 55 FR 34678, effective September 24, 1990; 56 FR 41445, effective September 30, 1991, 57 FR 42885, effective October 19, 1992; 59 FR 35641, effective June 30, 1994; 60 FR 23651, effective September 28, 1995. Methods for the destruction of live animals for use as set forth in Section 125-270 (Specifically the incorporated language of 9 CFR 318.10(c)).

(Source: Peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996)

SUBPART C: POULTRY INSPECTION

Section 125-380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, through 381.129 through 381.132(f), 381.134 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443, 381.444, 381.445, 381.454, 381.456, 381.460, 381.461, 381.462, 381.463, 381.464, 381.480, 381.500 (1990); 55 FR 4976, effective September 24, 1990; 56 FR 41445, effective September 30, 1991; 57 FR 42885, effective October 19, 1992; 59 FR 35641, effective June 30, 1994; 60 FR 23651, effective September 28, 1995. Methods for the destruction of live animals for use as set forth in Section 125-270 (Specifically the incorporated language of 9 CFR 318.10(c)).

(Source: Peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996)

DEPARTMENT OF AGRICULTURE

NOTICE OF PREEMPTORY AMENDMENTS

- 16, 1993; 59 FR 14528, effective May 27, 1994; 58 FR 632, 58 FR 43787, 58 FR 47624, and 59 FR 12157, effective July 6, 1994; 59 FR 40209, effective August 8, 1994; 59 FR 45189, effective September 1, 1994; 60 FR 174 and correction printed at 60 FR 5762, effective January 3, 1995; 60 FR 10000, effective February 14, 1995; 60 FR 12893, effective March 8, 1995; 59 FR 56220, effective April 17, 1994; 60 FR 13959, effective May 17, 1995; 60 FR 67444, effective July 1, 1995; 60 FR 44396, effective August 26, 1995; 60 FR 55562, effective November 4, 1995).
- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
 - c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
 - d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
 - e) The label for this Section in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
 - f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).
 - g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.
 - h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.30.
 - i) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.
 - j) All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
 - k) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
 - l) A copy of each label submitted for approval shall be accompanied by a copy of the label as used on the product and the percentage of the ingredients comprising the poultry product and statement indicating the method of preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.
 - m) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of

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NOTICE OF PREEMPTORY AMENDMENTS

- the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).
 - n) Labels and devices approved for use pursuant to Section 125.90 and those Section 125.90 approved only establishments and devices have been mutilated or damaged or when used in connection with a business. Such labels and devices shall be given to the inspector for disposition.
 - o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
 - p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become damaged or mutilated or when the official establishment notifies the Department of damage to or destruction of labels. The official establishment shall be responsible for the relabeling of the product. The overtime charges shall be as set forth in Section 125.80.
 - q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
 - r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.
- (Source: Preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996)

Section 125.400 Definitions and Standards of Identity or Composition

- a) The Department incorporates by reference 9 CFR 381: Subpart P (1990; 55 FR 34678, effective September 24, 1990; 60 FR 55562, effective November 4, 1995).
 - b) Cooling of poultry shall be in accordance with the provisions set forth in Section 125.330.
 - c) Definitions and standards of identity or composition for poultry products shall be as set forth in this Section and in Section 13(d) of the Act.
- (Source: Preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996)

DEPARTMENT OF LABOR

NOTICE OF WITHDRAWAL OF PROPOSED RULE

1) **Heading of the Part:** Personnel Records Review Act

2) **Code Citation:** 56 Ill. Adm. Code 355

Section Number:	Proposed Action:
3) 355.100	Withdraw New Section
355.110	Withdraw New Section
355.120	Withdraw New Section
355.130	Withdraw New Section
355.140	Withdraw New Section
355.150	Withdraw New Section
355.200	Withdraw New Section
355.210	Withdraw New Section
355.300	Withdraw New Section
355.310	Withdraw New Section
355.320	Withdraw New Section
355.330	Withdraw New Section
355.340	Withdraw New Section
355.350	Withdraw New Section
355.360	Withdraw New Section
355.370	Withdraw New Section
355.380	Withdraw New Section
355.390	Withdraw New Section
355.400	Withdraw New Section
355.410	Withdraw New Section
355.420	Withdraw New Section
355.500	Withdraw New Section
355.510	Withdraw New Section
355.520	Withdraw New Section
355.530	Withdraw New Section
355.540	Withdraw New Section
355.550	Withdraw New Section
355.560	Withdraw New Section
355.570	Withdraw New Section
355.580	Withdraw New Section
355.590	Withdraw New Section
355.600	Withdraw New Section
355.610	Withdraw New Section
355.620	Withdraw New Section
355.630	Withdraw New Section
355.640	Withdraw New Section
355.650	Withdraw New Section
355.660	Withdraw New Section
355.670	Withdraw New Section
355.680	Withdraw New Section
355.690	Withdraw New Section
355.700	Withdraw New Section
355.710	Withdraw New Section
355.720	Withdraw New Section
355.730	Withdraw New Section
355.740	Withdraw New Section
355.750	Withdraw New Section
355.760	Withdraw New Section
355.770	Withdraw New Section
355.780	Withdraw New Section
355.790	Withdraw New Section
355.800	Withdraw New Section
355.810	Withdraw New Section
355.820	Withdraw New Section
355.830	Withdraw New Section
355.840	Withdraw New Section
355.850	Withdraw New Section
355.860	Withdraw New Section
355.870	Withdraw New Section
355.880	Withdraw New Section
355.890	Withdraw New Section

4) **Date Notice of Proposed Amendment Published in the Illinois Register:**

DEPARTMENT OF LABOR

NOTICE OF WITHDRAWAL OF PROPOSED RULE

March 1, 1996, 20 Ill. Reg. 3729

- 5) **Reason for the Withdrawal:** The Department of Labor received numerous comments on the proposed rulemaking. Upon evaluation of the comments, the Department has determined that it is appropriate to withdraw the rulemaking and propose new rules on the subject in order to allow all interested parties a full opportunity to openly comment on a new text.

ILLINOIS RACING BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Interstate Common Pools
- 2) Code Citation: 11 Ill. Adm. Code 302
- 3) Section Numbers: 302.20
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: 20 Ill. Reg. 3816, March 1, 1996.

5) Reason for withdrawal: The IRB proposed an amendment to this Section 302.20(b) which removed requirement of submitting all Illinois pool data by the host licensee. During first notice, National Jockey Club raised several valid concerns such as limiting the time needed to balance accounts, unavailability of handle and breakage data, and delay in preparation and submission of several reports and payments required by the Board.

The Board also proposed an amendment to Section 302.20(d) during this notice period which required the organization licensee to make payouts based on the sending tracks prices for non-exotic wagers and to refund wagers for exotic wagers with large carryover pools. National Jockey Club, again, raised several valid concerns regarding public perception and reaction.

The IRB concurs with the concerns raised by National Jockey Club and agrees that Section 302.20 in its current form, serves the best interest of Illinois racing and provides the fairest protection to the public.

ILLINOIS RACING BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) Section Numbers: 502.830
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: 20 Ill. Reg. 1174, January 19, 1996.

5) Reason for withdrawal: The IRB proposed an amendment to this Section which allowed a trainer to perform the duties of a farrier with respect to his/her own horses. During the first notice period, the Illinois Harness Horsemen's Association opposed the amendment, in part. The IHHA does not approve of limiting a trainer's farrier activities to his/her horses. It is expected that the proposed amendment would have raised the issue of raised if a trainer is allowed to act in the capacity of farrier for other trainers. The IHHA does not agree. This amendment was proposed over 10 months ago and the Board is not confident that a compromise can be reached with the IHHA; and subsequently, withdraws the proposed amendment.

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area
- 2) Code Citation: 35 Ill. Adm. Code 219
- 3) Section Numbers: Main Source Note
- 4) Date Proposal published in Illinois Register: January 5, 1996, 20 Ill. Reg. 155
- 5) Date Adoption published in Illinois Register: November 8, 1996, 20 Ill. Reg. 14462
- 6) Summary and Purpose of Expedited Correction: At the request of the Joint Committee on Administrative Rules (JCAR) and to correct the Source Note contained in 35 Ill. Adm. Code 219. Correct the Main Source Note as the adopted rule failed to indicate that this Part had been "amended in R36-2 at 20 Ill. Reg. 3846, effective February 15, 1996".
- 7) Information and questions regarding this request shall be directed to:

K.C. Poulos
Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601
312-414-3665

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER 1: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

Section	Introduction	Control or
219.100	Savings Clause	
219.102	Abbreviations and Conversion Factors	
219.103	Applicability	
219.104	Definitions	
219.105	Test Methods and Procedures	
219.106	Compliance Dates	
219.107	Operation of Afterburners	
219.108	Exemptions, Variations, and Alternative Means of Compliance Determinations	
219.109	Vapor Pressure of Volatile Organic Liquids	
219.110	Vapor Pressure of Volatile Organic Solids	
219.111	Vapor Pressure of Volatile Organic Material	
219.112	Incorporations by Reference	
219.113	Monitoring for Negligibly-Reactive Compounds	

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	Applicability for VOL
219.119	Control Requirements for Storage Containers of VOL
219.120	Storage Containers of VPL
219.121	Loading Operations
219.122	Petroleum Liquid Storage Tanks
219.123	Roofs and Roofing
219.124	Compliance Dates
219.125	Compliance Plan (Repealed)
219.126	Testing VOL Operations
219.127	Monitoring VOL Operations
219.128	Recordkeeping and Reporting for VOL Operations
219.129	

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	Separation Operations
219.141	

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

219.142 Pumps and Compressors
219.143 Vapor Blowdown
219.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section
219.204 Solvent Cleaning in General
219.205 Cold Cleaning
219.182 Open Top Vapor Degreasing
219.183 ConveyORIZED Degreasing
219.184 Compliance Schedule (Repealed)
219.185 Test Methods
219.186

SUBPART F: COATING OPERATIONS

Section
219.204 Emission Limitations
219.205 Daily-Weighted Average Limitations
219.206 Alternative Compliance
219.207 Altered Emission Limitations
219.208 Exemptions From Emission Limitations
219.209 Exemption from General Rule on Use of Organic Material
219.210 Compliance Schedule
219.211 Recordkeeping and Reporting
219.212 Cross-Line Averaging to Establish Compliance for Coating Lines
219.213 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines
219.214 Changing Compliance Methods

SUBPART G: USE OF ORGANIC MATERIAL

Section
219.301 Use of Organic Material
219.302 Alternative Standard
219.303 Fuel Combustion Emission Units
219.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section
219.401 Flexographic and Rotogravure Printing
219.402 Applicability
219.403 Compliance Schedule
219.404 Recordkeeping and Reporting
219.405 Lithographic Printing: Applicability
219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

219.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
219.408 Compliance Schedule for Lithographic Printing on and After March 15, 1996
219.409 Testing for Lithographic Printing On and After March 15, 1996
219.410 Monitoring Requirements for Lithographic Printing
219.411 Recordkeeping and Reporting for Lithographic Printing

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

Section
219.421 General Requirements
219.422 Inspection Program Plan for Leaks
219.423 Inspection Program for Leaks
219.424 Repairing Leaks
219.425 Recordkeeping for Leaks
219.426 Report for Leaks
219.427 Interim Testing Program for Leaks
219.428 On-Site Leak Detection
219.429 Standards for Control Devices
219.430 Compliance Date (Repealed)
219.431 Applicability
219.432 Control Requirements
219.433 Performance and Testing Requirements
219.434 Monitoring Requirements
219.435 Recordkeeping and Reporting Requirements
219.436 Compliance Date

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

Section
219.441 Petroleum Refinery Waste Gas Disposal
219.442 Vacuum Producing Systems
219.443 Wastewater (Oil/Water) Separator
219.444 Process Unit Turnarounds
219.445 Leaks: General Requirements
219.446 Monitoring Program Plan for Leaks
219.447 Monitoring Program for Leaks
219.448 Recordkeeping for Leaks
219.449 Reporting for Leaks
219.450 Compliance Schedule
219.451 Sealing Device Requirements
219.452 Compliance Schedule for Leaks
219.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

Section
219.461 Manufacture of Pneumatic Rubber Tires
219.462 Green Tire Spraying Operations
219.463 Alternative Emission Reduction Systems
219.464 Emission Testing
219.465 Compliance Dates (Repealed)
219.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
219.480 Applicability
219.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
219.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
219.483 Material Storage and Transfer
219.484 In-Process Tanks
219.485 Leaks
219.486 Other Emission Units
219.487 Testing
219.488 Monitoring for Air Pollution Control Equipment
219.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section
219.500 Applicability for Batch Operations
219.501 Control Requirements for Batch Operations
219.502 Determination of Uncontrolled Total Annual Mass Emissions and Actual Weighted Average Flow Rate Values for Batch Operations
219.503 Performance and Testing Requirements for Batch Operations
219.504 Monitoring Requirements for Batch Operations
219.505 Reporting and Recordkeeping for Batch Operations
219.506 Compliance Dates
219.507 Compliance Plans
219.508 Definitions (Repealed)
219.509 Savings Clause
219.521 Compliance
219.522 Compliance
219.523 Determination of Applicability
219.524 Emission Limitations for Air Oxidation Processes (Renumbered)
219.525 Testing and Monitoring
219.526 Compliance Date (Repealed)
219.527 Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section
219.541 Pesticide Exception

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

SUBPART X: CONSTRUCTION

Section
219.561 Architectural Coatings
219.562 Paving Operations
219.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
219.581 Bulk Gasoline Plants
219.582 Bulk Gasoline Terminals
219.583 Gasoline Dispensing Operations - Storage Tank Filling Operations
219.584 Gasoline Delivery Vessels
219.585 Gasoline Volatility Standards
219.586 Gasoline Dispensing Operations - Motor Vehicle Fueling Operations (Repealed)

SUBPART Z: DRY CLEANERS

Section
219.601 Perchloroethylene Dry Cleaners
219.602 Exemptions
219.603 Leaks
219.604 Compliance Dates (Repealed)
219.605 Compliance Plan (Repealed)
219.606 Exception to Compliance Plan (Repealed)
219.607 Standards for Petroleum Solvent Dry Cleaners
219.608 Operating Practices for Petroleum Solvent Dry Cleaners
219.609 Program for Inspection and Repair of Leaks
219.610 Testing and Monitoring
219.611 Exception for Petroleum Solvent Dry Cleaners
219.612 Compliance Dates (Repealed)
219.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section
219.620 Applicability
219.621 Exception for Waterbase Material and Heatset-Offset Ink
219.622 Permit Conditions
219.623 Open-Top Mills, Tanks, Vats or Vessels
219.624 Grinding Mills
219.625 Storage Tanks
219.626 Leaks
219.628 Clean Up
219.630 Compliance Schedule
219.636 Recordkeeping and Reporting
219.637

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

SUBPART BB: POLYSTYRENE PLANTS

Section
219.642 Applicability
219.642 Emissions Limitation at Polystyrene Plants
219.644 Emissions Testing

SUBPART FF: BAKERY OVENS (Repealed)

Section
219.720 Applicability (Repealed)
219.720 Control Requirements (Repealed)
219.722 Testing (Repealed)
219.726 Monitoring (Repealed)
219.728 Recordkeeping and Reporting (Repealed)
219.729 Compliance Dates (Repealed)
219.730 Certification (Repealed)

SUBPART GG: MARINE TERMINALS

Section
219.760 Applicability
219.760 Control Requirements
219.762 Compliance Certification
219.766 Leaks
219.768 Testing and Monitoring
219.770 Recordkeeping and Reporting

SUBPART HH: MOTOR VEHICLE RETINISHING

Section
219.780 Emission Limitations
219.782 Alternative Control Requirements
219.784 Equipment Specifications
219.786 Surface Preparation Materials
219.788 Work Practices
219.788 Testing
219.789 Monitoring and Recordkeeping for Control Devices
219.789 General Recordkeeping and Reporting
219.791 Compliance Dates
219.791 Registration
219.875 Applicability of Subpart BB (Renumbered)
219.877 Emissions Limitation at Polystyrene Plants (Renumbered)
219.879 Compliance Date (Repealed)
219.881 Compliance Plan (Repealed)
219.881 Special Requirements for Compliance Plan (Repealed)
219.883 Emissions Testing (Renumbered)
219.886

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

SUBPART FF: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section
219.920 Applicability
219.922 Permit Conditions
219.926 Control Requirements
219.927 Compliance Schedule
219.928 Testing

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section
219.940 Applicability
219.943 Permit Conditions
219.946 Control Requirements
219.947 Compliance Schedule
219.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section
219.960 Applicability
219.963 Permit Conditions
219.966 Control Requirements
219.967 Compliance Schedule
219.968 Testing

SUBPART TT: OTHER EMISSION UNITS

Section
219.980 Applicability
219.983 Permit Conditions
219.986 Control Requirements
219.987 Compliance Schedule
219.988 Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section
219.990 Exempt Emission Units
219.991 Subject Emission Units

APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
APPENDIX B VOM Measurement Techniques for Capture Efficiency
APPENDIX C Reference Methods and Procedures
APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

APPENDIX E

List of Affected Marine Terminals

APPENDIX G

The Index Measurements for SOCM Reactors and Distillation

APPENDIX H

Units
Baseline VOM Content Limitations for Subpart F, Section 219.212
Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [415 ICS 5/10 and 28-5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 1397, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 1585, effective August 24, 1993; amended in R91-12 at 16 Ill. Reg. 1698, effective May 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 29, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 22, 1995; amended in R96-2 at 20 Ill. Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 Ill. Reg. 14462, effective October 28, 1995.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 12, 1996 through November 18, 1996 and have been scheduled for review by the Committee at its December 17, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice	Agency and Rule	Department of State Police, Gang Crime Witness Protection Act (20 Ill Adm Code 1275)	Start of First Police	JCAR Meeting
12/27/96	Department of State Police, Gang Crime Witness Protection Act (20 Ill Adm Code 1275)	20 Ill Reg 10313	8/2/96	12/17/96
12/27/96	Department of Rehabilitation Services, Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill Adm Code 553)	20 Ill Reg 11894	8/30/96	12/17/96
12/27/96	Pollution Control Board, Requirements for Sewer and Stormwater Sanitary Wastes Landfills (35 Ill Adm Code 817)	20 Ill Reg 11554	8/30/96	12/17/96
12/29/96	Department of Insurance, Intergovernmental Joint Insurance Pool Annual Audited Financial Report (50 Ill Adm Code 2405)	20 Ill Reg 3673	3/1/96	12/17/96
12/29/96	Department of Public Aid, Rights and Responsibilities (89 Ill Adm Code 102)	20 Ill Reg 7579	6/7/96	12/17/96

PROCLAMATIONS

96-454

VETERANS DAY (REVISED)

Whereas, the men and women who have served in the Armed Forces of the United States of America have made major contributions toward the preservation of the freedom of this nation and its people; and whereas, the services performed by these millions of gallant Americans have distinguished the Illinois people; and whereas, the Illinois people are proud to honor the men and women who have served in the Armed Forces of the United States of America;

Whereas, the Congress of the United States of America has designated the 11th day of November of each year as Veterans Day; and whereas, Veterans Day has become a significant part of our national heritage as we recognize the important contributions of the millions of our citizens whose military service has had a profound effect on history; and whereas, the unselfishness of all those who served in the United States Armed Forces is a quality for which we are all grateful; and

Whereas, all servicemen and women are invited to wear their service hats this Veterans Day and on all future Veterans Days to honor their fellow servicemen and women who gave their lives to preserve the freedom we now enjoy; and whereas, Governor Jim Edgar, Governor of the State of Illinois, proclaim November 11, 1996, as VETERANS DAY in Illinois in honor of the national observance. I ask that the day be observed with appropriate ceremonies in honor of those who have served the national purpose to preserve the principles of justice, freedom, and democracy.

Issued by the Governor October 25, 1996.

Filed by the Secretary of State November 1, 1996.

96-582

CHRISTIAN HERITAGE WEEK

Whereas, religious holidays, festivals, and celebrations add to the cultural and religious life of the State of Illinois; and whereas, churches are a functional part of the communities in our State, often providing charitable assistance to our citizens; and

Whereas, Thanksgiving week is an appropriate time to center attention on the religious heritage of our State and nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 24-30, 1996, as CHRISTIAN HERITAGE WEEK in Illinois.

Issued by the Governor April 19, 1996.

Filed by the Secretary of State November 1, 1996.

96-583

DANVILLE AREA COMMUNITY COLLEGE YEAR

Whereas, Danville Area Community College is an accredited public two-year community college providing higher education opportunities for youth and adults in all of the Danville area and much of East Central Illinois; and

Whereas, the college was established initially as an extension center of the University of Illinois in 1946; and

Whereas, in June of 1966, the college separated from Danville School District No. 118 and became an independent two-year area college under the

control of the Board of Trustees of Junior College District No. 507; and whereas, in 1979, the name was changed to Danville Area Community College to be more reflective of the services rendered, encompassing high school districts in Vermilion, Edgar, Iroquois, Ford and Champaign counties; and

Whereas, the college held symposia that resulted in the formation of the Danville Area Labor Management Council and the Danville Area Economic Development Corporation; and

Whereas, the college was instrumental in the founding of the Danville Symphony Orchestra, the Job Training Partnership, the Danville Area Small Business Cooperative, the Danville Area Economic Development Center, and the Danville Area Chamber of Commerce; and whereas, Governor of the State of Illinois, Jim Edgar, proclaimed June 1996 through June 1997 as DANVILLE AREA COMMUNITY COLLEGE YEAR in Illinois, celebrating its 50th anniversary of providing educational opportunities and leadership to the Danville area.

Issued by the Governor October 24, 1996.

Filed by the Secretary of State November 1, 1996.

96-584

DONALD E. CALLAHAN DAY

Whereas, Donald E. Callahan has served the State of Illinois as an Arbitrator in its Industrial Commission since August 30, 1966; and whereas, Donald E. Callahan has been valued member of the Illinois Industrial Commission Arbitrator's Association since its inception in 1976; and

Whereas, Donald E. Callahan spent the first 12 years of his appointment to the Illinois Industrial Commission in Chicago, and spent the last 23 conducting hearings in numerous centers throughout central and northeastern Illinois; and

Whereas, Arbitrator Donald E. Callahan has served the Illinois Industrial Commission, as well as the citizens of Illinois, with his knowledge and application of the law;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 25, 1996, as DONALD E. CALLAHAN DAY in Illinois and commend him for his many years of service to the State of Illinois.

Issued by the Governor October 24, 1996.

Filed by the Secretary of State November 1, 1996.

96-585

FIVE HOSPITAL HOMEBOUND ELDERLY PROGRAM WEEK

Whereas, the Five Hospital Homebound Elderly Program was established in 1976 to provide comprehensive medical and social services necessary to maintain elderly individuals in their own homes as an alternative to hospitalization or nursing home placement; and

Whereas, the program provides close to 100,000 visits to 1, 800 patients with chronic medical problems and needs; and

Whereas, the Five Hospital Homebound Elderly Program was formed to raise funds to support the Five Long Term Care Program of the Five Hospital Homebound Elderly Program; and

Whereas, the Foundation Board will sponsor its annual Honorable Mr. and Mrs. William G. Stratton Humanitarian Award Dinner honoring William J. White on November 21, at the Palmer House Hilton;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

November 18-22, 1996, as FIVE HOSPITAL HOMEBOUND ELDERLY PROGRAM WEEK in Illinois in recognition of the compassion and dedication the staff and volunteers involved with the program have demonstrated through the services they provide to the elderly and disabled.

Issued by the Governor October 24, 1996.

Filed by the Secretary of State November 1, 1996.

96-586

HIAS CHICAGO DAY

Whereas, the State of Illinois recognizes that for more than 85 years the Hebrew Immigrant Aid Society (HIAS) of Chicago has extended a helping hand to those who seek peace, freedom and opportunity; and

Whereas, the State of Illinois has benefited from the many people who have traveled here from other countries to make a new home; and

Whereas, while many of these immigrants have come as refugees fleeing a life of persecution, they have also had to face the challenges of building a new life; and

Whereas, HIAS Chicago has for the past 85 years provided immigrant services, helped family members reunite, comforted survivors of the Holocaust and organized community education programs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 4, 1996, as HIAS CHICAGO DAY in Illinois in recognition of the services and assistance HIAS Chicago has provided since 1911.

Issued by the Governor October 24, 1996.

Filed by the Secretary of State November 1, 1996.

96-587

UNION BAPTIST CHURCH DAY

Whereas, Union Baptist Church will be celebrating its 125th Anniversary on October 27, 1996; and

Whereas, Union Baptist Church began in 1871 with a group of seven persons dedicated to their faith and united in thought and action; and

Whereas, Union Baptist Church has been an important contributor to the community in which it is located, providing a food pantry for the needy and a radio ministry that ministers to the sick and shut-ins in a 60-mile radius; and

Whereas, Union Baptist Church has been instrumental in the molding of young people through programs geared toward their spiritual growth and development; and

Whereas, Union Baptist Church has continued to be a large part of its members' daily lives;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 27, 1996, as UNION BAPTIST CHURCH DAY in Illinois.

Issued by the Governor October 24, 1996.

Filed by the Secretary of State November 1, 1996.

96-588

NCO DAY

Whereas, since 1971, NCO Youth and Family Services has served as an important community resource to thousands of children, young people and their

families; and

Whereas, NCO now celebrates its 25th Anniversary and proudly honors outstanding volunteers, business and corporate partners, city, State and township officials, educational leaders, parents, clergy and staff who helped make this great agency a success; and

Whereas, NCO continues its tradition and commitment to the community by providing a strong continuum of services including prevention and educational programs, counseling, computer literacy and career development; and

Whereas, NCO Youth and Family Services Board of Directors, Executive Board, Associate Board and Staff are to be commended for their efforts on behalf of the organization;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 2, 1996, as NCO DAY in Illinois.

Issued by the Governor October 25, 1996.

Filed by the Secretary of State November 1, 1996.

96-589

OPTICIANS MONTH

Whereas, good vision contributes immeasurably to the overall quality of life for all our citizens; and

Whereas, the pace of technological improvements in vision aids continues to accelerate; and

Whereas, expert guidance is essential for consumers to assure correct and effective choices in eyewear to overcome vision deficiencies and safeguard their sight; and

Whereas, Illinois' opticians provide that expertise to assure that the prescriptions written by eye doctors for corrective vision aids are filled accurately and effectively; and

Whereas, Illinois' opticians are important members of our small business community, providing the competitive balance that keeps eyewear within the reach of all our citizens; and

Whereas, the Illinois Optician Society of Opticianry and their national organization, the Optics Association of America, have designated January 1997 as National Opticians Month to focus attention on the importance of good vision health and safety;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1997 as OPTICIANS MONTH in Illinois.

Issued by the Governor October 25, 1996.

Filed by the Secretary of State November 1, 1996.

96-590

TV-TURNOFF WEEK

Whereas, studies suggest that excessive television viewing affects children negatively, leading to aggressive behavior, lowered academic performance, diminished attention spans and obesity; and

Whereas, Americans average more than four hours of television viewing each day, culminating in two months of nonstop TV each year; and

Whereas, a healthy lifestyle is not limited to one activity, but encompasses a wide range of interests that allow the individual the opportunity to participate, experience, learn and have fun; and

Whereas, across the nation, citizens are unplugging their televisions from April 24 to April 30 and rediscovering activities that promote a more literate, healthy, productive and well-rounded lifestyle;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 24-30, 1997, as TV-TURNOFF WEEK in Illinois.

Issued by the Governor October 25, 1996.

Filed by the Secretary of State November 1, 1996.

96-591

ADOPTION AWARENESS MONTH

Whereas, adoption is a rewarding and enriching experience for all involved; and

Whereas, an adoptive family provides a child with a stable, loving home;

and Whereas, 340 children are currently awaiting adoption in our State, and among them are minorities, sibling groups, older children, and children with disabilities; and

Whereas, Help Me Grow, Brenda Edgar's children's project; One Church, One Child; the Illinois Department of Children and Family Services; the Child Care Association; Adoption Information Center; Chicago Area Families for Adoption; Adopt-A-Baby; the Illinois Department of Children and Family Services; the Black Adoption Stars of David; Tapestry; OHS of Northern Illinois; and other adoption and support groups statewide encourage all families to consider adopting a child in need of a home; and

Whereas, several activities will be held during November to draw attention to Illinois' waiting children and the need for adoptive families;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1996 as ADOPTION AWARENESS MONTH in Illinois.

Issued by the Governor October 28, 1996.

Filed by the Secretary of State November 1, 1996.

96-592

CHICAGO COUNCIL ON URBAN AFFAIRS DAY

Whereas, TRUST, "To Renhape Urban Systems Together", was organized in 1971 to address urban issues holistically, calling upon the unique perspectives of business, community, government, labor, philanthropy and academia; and

Whereas, through multi-issue nighttime forums, open studies, and other similar programs, TRUST established a tradition of bringing diverse stakeholders to the table to identify problems and design solutions; and

Whereas, this inclusive, constructive engagement developed into a tradition of advocacy for neighborhoods that garnered commendation from the Illinois Senate in 1979 for its significant demonstration of the importance of neighborhood issues and the constructive role that community change played in the democratic process. In 1982, the Chicago community group beyond its prestigious James A. Brown IV Award of Excellence on TRUST for outstanding achievement in its first decade of existence; and

Whereas, through its Neighborhood Awards, TRUST established a new tradition, becoming the first downtown civic organization to publicly honor community organizations. As part of its new focus on and commitment to neighborhood issues, TRUST was renamed the Chicago Council on Urban Affairs;

and Whereas, throughout its history, the Chicago Council on Urban Affairs has exhibited strong leadership while identifying solutions to some of society's most difficult problems: poverty, racism, violence and institutional reform; and

Whereas, the Council will celebrate its 25th anniversary on November 12 and is poised to enter the new millennium, true to its motto, "a partner for a better Chicago;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 12, 1996, as CHICAGO COUNCIL ON URBAN AFFAIRS DAY in recognition of its advocacy for and contributions to Chicago neighborhoods.

Issued by the Governor October 28, 1996.

Filed by the Secretary of State November 1, 1996.

96-593

KOREA UNIFICATION DAY

Whereas, the conclusion of World War II on August 14, 1945, also ended the 35-year occupation of Korea by the Imperial Military Forces of Japan; and

Whereas, to bring about the liberation of the Korean people from the Japanese occupation, Korea was divided by the 38th Parallel, the United States was assigned to rehabilitate Korea south of the 38th Parallel, and the Republic of Soviet Union was to do likewise north of the 38th Parallel; and North Korea and South Korea, since 1949, the division of the Korean peninsula and North Korea and South Korea has caused the continued separation of more than 10 million Korean families; and

Whereas, the many attempts to allow an exchange of communication between Korean families in North and South Korea have been denied by the Communist North Korean government; and

Whereas, the citizens of the Republic of Korea in the South Korea sector are joined by the Korean Community in the State of Illinois, through efforts of the Midwest Korean-American Northerners Federation, in annually observing a day of prayer and meditation for the families residing in North Korea;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 22, 1996, as KOREA UNIFICATION DAY in Illinois and acknowledge the 10th anniversary of the Midwest Korean-American Northerners Association.

Issued by the Governor October 28, 1996.

Filed by the Secretary of State November 1, 1996.

96-594

SERGEANT CALSB HOPKINS CHAPTER OF THE NATIONAL SOCIETY DAR DAY

Whereas, the Sergeant Calsb Hopkins Chapter of the National Society Daughters of the American Revolution was first organized November 18, 1946, in Springfield, Illinois; and

Whereas, the National Society Daughters of the American Revolution was first organized in 1890 and has grown into an international organization; and

Whereas, the motto of the National Daughters of the American Revolution is "God, Home and Country," and their purpose is to honor patriots that served our country; and

Whereas, the Sergeant Calsb Hopkins Chapter of the National Society

Daughters of the American Revolution will celebrate its 50th anniversary, as well as hold its yearly anniversary meeting, on November 2, 1996;

Whereas, I, Jim Edgar, Governor of the State of Illinois, proclaim November 2, 1996, as SARGENT CHUBB DOWNS DAY IN HONOR OF THE NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION;

Given my power, I do hereby certify that the foregoing proclamation shall take effect on October 30, 1996.

Filed by the Secretary of State November 1, 1996.

96-595

PHIL JACKSON DAY

Whereas, the 16th Annual Celebration of Basketball Dinner to benefit Little City Foundation will be held Sunday, November 10, 1996, at the Hyatt Regency Chicago; and

Whereas, the event will pay tribute to Chicago Bulls Coach Phil Jackson in recognition of his numerous contributions to the game of basketball and his long-standing record of community service; and

Whereas, the dinner will be attended by civic, business and labor leaders, as well as other distinguished guests;

Whereas, proceeds of the event will enable Little City Foundation to continue and expand its many life-enriching programs to improve the quality of life for children and adults with mental retardation and other developmental challenges; and

Whereas, the State of Illinois proudly salutes the efforts of the event's General Chairman, Donald A. Peikus, President and CEO of Unicom Thermal Technologies and a Senior Vice President of Commonwealth Edison, as well as the members of the Dinner Committee whose time and talents make the benefit possible;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 10, 1996, as PHIL JACKSON DAY in Illinois.

Issued by the Governor October 31, 1996.

Filed by the Secretary of State November 8, 1996.

96-596

FAMILY LIFE WEEK

Whereas, the pursuit of happiness is a basic tenet of American life with the key being the Family; and

Whereas, the Family is a shelter for all generations, young and old, and a support, in good times and in bad;

Whereas, the Family is the single most important factor in helping to shape the values and character of our citizens; and

Whereas, our only hope for a brighter future lies in the children being nurtured in today's families; and

Whereas, the stresses of daily life gives us too little time to focus on our loved ones; and

Whereas, a week to honor the Family allows us to turn our attention to this vital link that connects the generations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 24-30, 1996, as FAMILY LIFE WEEK in Illinois.

Issued by the Governor October 31, 1996.

Filed by the Secretary of State November 8, 1996.

96-597

INTERNATIONAL HOUSEWARES WEEK

Whereas, the Board of Directors of the National Housewares Manufacturers Association has chosen our State for its 100th International Housewares Show; and

Whereas, Illinois has hosted the nation's premier housewares show since 1939; and

Whereas, the American housewares industry represents more than \$57.9 billion in annual retail sales and is actively involved in export activities; and

Whereas, the National Housewares Manufacturers Association's 1997 International Housewares Show is the largest U.S. marketplace for the buying and selling of housewares products; and

Whereas, the world's largest "housewares-only" exposition brings 12,000 American buyers and 4,700 buyers from 104 other countries to Illinois to purchase goods from 2,000 housewares exhibitors; and

Whereas, the International Housewares Show attracts more than 58,000 people to the show;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 12-15, 1997, as INTERNATIONAL HOUSEWARES WEEK in Illinois.

Issued by the Governor October 31, 1996.

Filed by the Secretary of State November 8, 1996.

96-598

JAN CARLSON DAY

Whereas, Jan Carlson is a graduate of Batavia Public Schools, Northern Illinois University, the Institute for Court Management, and the Management Institute of the University of Wisconsin; and

Whereas, Jan Carlson and his wife, Barbara, have three children, Thomas, Kristin, and Steven;

Whereas, Jan Carlson has been employed by Kane County since 1959; and

Whereas, Jan Carlson began as a deputy in the Kane County Clerk's office and became Chief Deputy County Clerk in 1963. In 1964, Jan became Circuit Clerk; and

Whereas, Jan Carlson has been instrumental in making significant changes in the Kane County court system with the development of the first automated recordkeeping systems in Kane County, the reorganization of the management structure and the implementation of a Human Resource Program, as well as a Records and Forms Management Program, in addition to many other improvements and innovations; and

Whereas, Jan Carlson has been very active outside of his workplace as a member of numerous associations and committees. He has served as Chairman of the Board of Trustees of the Kane County Board of Corrections, as a member of the National Association of Trial Court Administrators, and as a member of the National Association of Judicial Administrators, and American Record Management Association and a host of others; and

Whereas, Jan Carlson has been an active leader at the local, county and State levels for the Republican party, serving as Chairman of the Kane County Republican Central Committee; and

Whereas, Jan Carlson is retiring from his position as Circuit Clerk of Kane County;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 8, 1996, as JAN CHILDRON DAY in Illinois.

Issued by the Governor October 7, 1996.
Filed by the Secretary of State November 8, 1996.

96-599

HIGH TECHNOLOGY WEEK

Whereas, the State of Illinois supports the creation of the right climate for businesses to grow and thrive so that Illinois citizens will enjoy more jobs, better pay and a strong, expanding economy; and

Whereas, technology companies in Illinois, which employ about 335,000 people, are important to the economy and well-being of businesses in the State;

and Whereas, the State of Illinois understands the value of technology entrepreneurs and applauds KPMG Peat Marwick LLP for recognizing the contributions of these entrepreneurs by sponsoring its annual High Tech Awards ceremony, which will be held on November 25, 1996; and

Whereas, KPMG Peat Marwick, one of the world's largest professional service firms, established the awards in 1984 to encourage high technology growth in Illinois by publicizing local entrepreneurs and their success stories to encourage other business professionals to take advantage of the countless resources available locally; and

Whereas, Illinois is recognized nationally for its renowned research institutes and universities including the Fermi National Accelerator Laboratory, University of Illinois, Northwestern University, Illinois Institute of Technology, and the University of Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 24-30, 1996, as HIGH TECHNOLOGY WEEK in Illinois.

Issued by the Governor November 1, 1996.

Filed by the Secretary of State November 8, 1996.

96-600

ILLINOIS RIVER SYSTEM MANAGEMENT MONTH

Whereas, the Illinois State Water Survey and the Steven Forbes Biological Research Station have made tremendous contributions toward understanding the ecology of the Illinois River over the past 25 years; and Whereas, the creation of the Illinois Department of Natural Resources and the Illinois River Partnership, along with the implementation of Conservation 2000, are important milestones in efforts to protect the resources of the Illinois River; and

Whereas, the 1997 Conference on the Management of the Illinois River System is October 8-9, 1997, at the Holiday Inn City Centre in Peoria;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as ILLINOIS RIVER SYSTEM MANAGEMENT MONTH in Illinois and urge all citizens to recognize the economic, recreational, social and environmental responsibilities we have to conserve and properly utilize the resources of the Illinois River Basin.

Issued by the Governor November 1, 1996.

Filed by the Secretary of State November 8, 1996.

96-601
WORK SERVICES TRAINING AND STAFF OF THE
KRISDALA BAKA REST AREA COMMENDED

Whereas, the Krisdala Baka Rest Area, located on I-74 at Woodhull and maintained by Abilities Plus, Inc., has been named as the Best Rest Area in the State of Illinois for 1996 by the Illinois Department of Transportation; and

Whereas, this was the result of an unannounced inspection during the summer travel season and Krisdala Baka received a record breaking ranking of 92.03; and

Whereas, this was the second consecutive year that the Krisdala Baka Rest Area has received the award for the Best Overall Rest Area in the State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend the Work Services Training and Staff of the Krisdala Baka Rest Area for achieving the number one ranking as the Overall Best Rest Area in Illinois for 1996.

Issued by the Governor November 1, 1996.

Filed by the Secretary of State November 8, 1996.

96-602

BIBLE WEEK

Whereas, the Bible has been a constant source of moral and spiritual guidance for Americans throughout our history; and Whereas, the Bible has influenced our nation's art, literature, music, laws, and the very fabric of our society;

Whereas, it continues to provide inspiration, hope and comfort for millions of Americans today; and

Whereas, for 56 years, women and men of all faiths have banded together in the Laymen's National Bible Association to sponsor National Bible Week as a time to remind their fellow Americans of the Bible's unique place in American life; and

Whereas, this annual emphasis has helped to strengthen spiritual understanding throughout America by encouraging personal reading and study of the Bible;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 6-12, 1996, as BIBLE WEEK in Illinois.

Issued by the Governor November 6, 1996.

Filed by the Secretary of State November 8, 1996.

96-603

ILLINOIS RESIDENCE HALL ASSOCIATION DAY

Whereas, the Illinois Residence Hall Association (IRHA) is the State affiliate of member colleges and universities with campus residence hall student governments; and

Whereas, the primary purpose is to serve as a forum for the sharing and exchange of information among Illinois colleges and universities;

Whereas, IRHA helps students develop leadership skills and gives them the opportunity to interact with students from different colleges and universities;

and

Whereas, IRHA will celebrate its 20th anniversary at the IRHA annual conference on February 7-9, 1997;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 7, 1997, as ILLINOIS RESISTANCE AND ASSOCIATION DAY in Illinois.
 Witness my hand and the Great Seal of the State at Springfield, Illinois, this 26th day of November, 1996.
 Filed by the Secretary of State November 8, 1996.

96-604

JEFF AND GARY SINISE DAY

Whereas, Highland Park High School will celebrate its 15th Biennial FOCUS on the Arts celebration; and
 Whereas, the goal of FOCUS is to increase appreciation and understanding of the visual and performing arts and the communication arts; and
 Whereas, FOCUS on the Arts is honoring Jeff Perry and Gary Sinise, two Highland Park High School alumni who have contributed immensely to the arts; and
 Whereas, Jeff Perry and Gary Sinise are founders of Steppenwolf Theatre Company; and
 Whereas, Jeff Perry has been involved in theatre as both an actor and director and has appeared in motion pictures as well as television; and
 Whereas, Gary Sinise has been involved in acting and directing in theatre, television and movies; and
 Whereas, in spite of their many obligations, Jeff and Gary have worked tirelessly to help sustain Steppenwolf Theatre;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 28, 1997, as JEFF PERRY AND GARY SINISE DAY in Illinois.
 Issued by the Governor November 6, 1996.
 Filed by the Secretary of State November 8, 1996.

96-605

NORMA AND DEE LIFFICK CONGRATULATED

Whereas, Norma Jones Collember and Dee Liffick were united in marriage on November 21, 1946, in Stonington, Illinois; and
 Whereas, Norma and Dee are citizens of Oakland, Illinois; and
 Whereas, Norma and Dee are the parents of two children, Rodney and Sandee (Bill) Van De Wyngaerde; and
 Whereas, Norma and Dee are the grandparents of Matt and Tami Liffick and Summer and Sunee Van De Wyngaerde; and
 Whereas, Norma and Dee farm the land that has been in Dee's family for more than 50 years, and also own and operate a school route for handicapped children; and
 Whereas, Norma and Dee will celebrate their 50th wedding anniversary on November 21, 1996;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best wishes and sincere congratulations for Norma and Dee on their golden wedding anniversary.
 Issued by the Governor November 6, 1996.
 Filed by the Secretary of State November 8, 1996.

96-606

PARALYZED VETERANS RECOGNITION DAY

Whereas, America would not be the great, free nation it is today if it were not for the citizens who came to its defense in times of conflict; and
 Whereas, none who serve their country ever forget the experience, but some have sacrificed their lives and health in the process;
 Whereas, special sacrifices have been observed at this time to recognize the men and women who have served in the Armed Forces and experienced paralysis; and
 Whereas, in Illinois, the Vaughan Chapter of the Paralyzed Veterans of America is holding a celebration at Hines Medical Center in conjunction with the national observance;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 8, 1996, as PARALYZED VETERANS RECOGNITION DAY in Illinois, and urge all citizens to remember those who have served our country and suffered irreparable harm and recognize them at this time.
 Issued by the Governor November 6, 1996.
 Filed by the Secretary of State November 8, 1996.

96-607

PIVEN THEATRE WORKSHOP WEEK

Whereas, The Piven Theatre Workshop is a nationally recognized training and production center for the performing arts; and
 Whereas, the threefold purpose of The Piven Theatre Workshop is to provide workshops which explore the human condition through the theatre arts for students from grades 4-12 and adults, to present professional and student productions to the general public and to school audiences of the Chicago metropolitan area, and to generate classes and service the underserved in the Chicago area through outreach programs, working with such organizations as The Off The Street Club, Youth Organization Umbrella, Urban Gateways, and Mothers Against Drunk Driving;
 Whereas, The Piven Theatre Workshop, under the tutelage of Byrne and Joyce Piven, has touched countless lives over the years; and
 Whereas, The Piven Theatre Workshop will celebrate its 25th Anniversary;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 24-30, 1996, as PIVEN THEATRE WORKSHOP WEEK in Illinois.
 Issued by the Governor November 6, 1996.
 Filed by the Secretary of State November 8, 1996.

96-608

RONALD H. BROWN DAY

Whereas, Ronald Harmon Brown was born August 1, 1941, in Washington, D.C.; and
 Whereas, Ronald Brown graduated from Middlebury College and received his J.D. from St. John's University; and
 Whereas, Ronald Brown was a member of the armed forces and served as a United States Captain in Germany and Korea from 1962-4; and
 Whereas, he was the Executive spokesperson and a social worker for the National Urban League from 1967-79; and

Whereas, Ronald Brown was the first African-American to chair the Democratic National Committee; and

Whereas, Ronald Brown was the first African-American to become Secretary of Commerce; and

Whereas, because of his exemplary character and his academic and professional endeavors, the Fridtjof Nansen Elementary School was renamed the Ronald H. Brown Community Academy;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 8, 1996, as RONALD H. BROWN DAY in Illinois in his memory.

Issued by the Governor November 6, 1996.

Filed by the Secretary of State November 8, 1996.

96-609

AIDS AWARENESS DAY

Whereas, the prevention of HIV infection and AIDS necessitates a worldwide effort to increase communication, education and preventive action to stop the transmission of HIV and the spread of AIDS; and

Whereas, the Joint United Nations Programme on HIV/AIDS (UNAIDS) now estimates that more than 20 million people have been infected with HIV/AIDS, with more than five new infections occurring every minute; and

Whereas, in Illinois, the number of AIDS cases has surpassed 18,000 with 65 percent of these lives lost to this devastating disease; and

Whereas, the AIDS day has designated December 1st each year as World AIDS day; and

Whereas, the AIDS day is an international effort to stop the spread of HIV and AIDS; and

Whereas, the 1996 World AIDS Day theme, "One World, One Hope," urges all individuals to work together to overcome the challenges caused by HIV/AIDS, recognizes that everyone can do something about the pandemic through prevention, education and compassion, and emphasizes the hope of finding the means to prevent and cure HIV/AIDS; and

Whereas, this day in Illinois is commemorated by a number of events across the State, including the dimming of the lights atop the Illinois State Capitol dome and at the James H. Thompson Center in Chicago during the evening hours to coincide with the dimming of the lights at the White House, to offer a tribute to the victims of AIDS; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 1, 1996, as AIDS AWARENESS DAY in Illinois.

Issued by the Governor November 7, 1996.

Filed by the Secretary of State November 15, 1996.

96-610

CECILE MACK DAY

Whereas, Cecile Mack was born on a cold and snowy day on November 9, 1926; and

Whereas, Cecile Mack was the youngest of eight children born to Mary and Albert Mack;

Whereas, Cecile was close to her eldest brother, Tony, who became a priest and was the pride of the neighborhood; and

Whereas, Cecile was also close to her other brothers, John and Joe, and her sisters Bernice, Rita, Therese and Toni;

Whereas, Cecile graduated from St. Barbara's Grammar School and then from Lourdes High School in 1945;

Whereas, Cecile met her husband, Norbert, at the tender age of six and married him years later on June 27, 1948; and

Whereas, Cecile and Norb had four children, Lindy (1949), Gary (1952), Robbie (1957), and Jaynie (1962); and

Whereas, Cecile is now the doting grandmother of 11; and

Whereas, Cecile is part owner of Elmhurst Cleaners, a family-owned business for more than 25 years; and

Whereas, Cecile is known to all as a caring and generous woman who is loved by all;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 9, 1996, as CECILE MACK DAY and wish her a very happy 70th birthday.

Issued by the Governor November 7, 1996.

Filed by the Secretary of State November 15, 1996.

96-611

AFRICAN AMERICAN HISTORY MONTH

Whereas, Dr. Carter G. Woodson, coal miner, teacher and author, founded the Association for the study of Afro-American Life and History, Inc., in 1915 in Chicago; and

Whereas, Dr. Woodson also initiated Negro History Week in 1926 to recognize the past and present contributions made by African Americans in the development of the United States;

Whereas, the month of February in Chicago will be commemorated throughout the month of February in Chicago with seminars, storytelling, plays, concerts, music, dancing, art, films, family workshops, and other expressions of creativity and pride; and

Whereas, Dr. Woodson's dream for the association was to achieve sociological and historical data, publish books, promote the study of Black History through clubs and schools, and encourage racial harmony; and

Whereas, African American History inspires all Americans to be more aware of African Americans and their experiences and achievements in every area of endeavor;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1997 as AFRICAN AMERICAN HISTORY MONTH in Illinois and urge all citizens to be cognizant of the events arranged both this month and every day of the year.

Issued by the Governor November 8, 1996.

Filed by the Secretary of State November 15, 1996.

96-612

DAY OF HOPE

Whereas, Hope Children's Hospital is the first children's hospital south of Chicago and the only Chicagoland hospital built in a generation dedicated to the care of children;

Whereas, Hope Children's Hospital, a four-story, 60-bed facility, is specially designed to accommodate the unique needs of pediatric patients and their families and provides an environment conducive to family involvement and support; and

Whereas, Hope Children's Hospital, which evolved from the necessity to care for Christ Hospital and Medical Center's continually high volume of complex pediatric cases, is born of a pediatric program renowned for its excellence and the influence of its specialty programs for critically and chronically ill children; and

Whereas, Hope Children's Hospital, while embracing bold new visions in health care knowledge and technology, is dedicated to its mission of curing and healing children, and most importantly, keeping them well; and

Whereas, Hope Children's Hospital serves as headquarters for The Heart Institute for Children, a teaching and research center for pediatric cardiovascular disease; and

Whereas, Hope Children's Hospital's staff of more than 100 pediatricians, representing 25 subspecialties, treats more than 5,000 pediatric inpatients annually and oversees approximately 65,000 visits each year for pediatric outpatient services; and

Whereas, Hope Children's Hospital will provide enhanced pediatric services and assistance to Illinois' deserving younger patients with the highest level of care well into the 21st century;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 11, 1996, as DAY OF HOPE in honor of the dedication of Hope Children's Hospital.

Issued by the Governor November 8, 1996.

Filed by the Secretary of State November 15, 1996.

96-613

JOLIET ALL CITY BAND, JAZZ BAND AND ORCHESTRA DAYS

Whereas, the Joliet All City Band, Jazz Band and Orchestra has been selected to represent the State of Illinois in a national music festival held in Washington, D.C. Band;

Whereas, the band, under the direction of Wesley Russell, was selected on the basis of recommendations of State music officials, past achievements and current superior ratings; and

Whereas, this honor recognizes the talent and commitment of this group and exemplifies the dedication of the students as well as their instructor to the field of music; and

Whereas, The National Festival of the States—Music at Mount Vernon: George Washington at Home is organized by Music Celebrations International of Tempe, Arizona, to celebrate America's heritage through music;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 7-11, 1997, as JOLIET ALL CITY BAND, JAZZ BAND AND ORCHESTRA DAYS in Illinois.

Issued by the Governor November 8, 1996.

Filed by the Secretary of State November 15, 1996.

96-614

MARY AND AL WANDER CONGRATULATED

Whereas, Mary Virostko and Alfred Wander were united in marriage on November 26, 1931, in Chicago, Illinois; and

Whereas, Mary and Al have lived at 4842 West Balmoral Avenue, Chicago, Illinois, since 1940; and

Whereas, Mary and Al are parents of three daughters, Nancy, Maribeth and

Paula; and

Whereas, Mary and Al have nine grandchildren and three great-grandchildren; and

Whereas, Al retired 20 years ago after 47 years of service to Illinois Bell in Chicago, Al has been a career homemaker and mother and was active in scouting and the PTA; and

Whereas, Mary and Al have visited at least 25 states, as well as Mexico, Canada, Ireland, Scotland and the Caribbean; and

Whereas, Mary and Al enjoy gardening, cards and square dancing; and

Whereas, Mary and Al will celebrate their 65th wedding anniversary on November 26, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best wishes and sincere congratulations to Mary and Al on their 65th wedding anniversary.

Issued by the Governor November 12, 1996.

Filed by the Secretary of State November 15, 1996.

96-615

NILES WEST HIGH SCHOOL MARCHING BAND AMBASSADORS OF GOODWILL

Whereas, the Niles West High School Marching Band has been selected to represent the State of Illinois in the 65th annual Hollywood Christmas Parade held in Hollywood, California; and

Whereas, the band, under the direction of William Koch, was selected on the basis of video application, past achievements and current ratings; and

Whereas, this honor recognizes the talent and commitment of this group and exemplifies the dedication of the students, as well as their instructor, to the field of music; and

Whereas, the Hollywood Christmas Parade is televised nationally in the United States and in 97 foreign countries; and

Whereas, the State of Illinois, proclaim the Niles West High School Marching Band as AMBASSADORS OF GOODWILL for Illinois.

Issued by the Governor November 12, 1996.

Filed by the Secretary of State November 15, 1996.

96-616

SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK

Whereas, for more than 40 years, Illinois has been recognized as a leader in providing school programs and services for children with physical, mental, emotional, or educational problems; and

Whereas, Illinois school psychologists have demonstrated their concern for children's rights to free and appropriate public education tailored to their individual capabilities; and

Whereas, the Illinois School Psychologists Association have dedicated their efforts to serving the mental health and educational needs of all children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 2-8, 1997, as SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK in Illinois and commend the school psychology professionals on their dedication to the health and well-being of our students.

Issued by the Governor November 12, 1996.
 Filed by the Secretary of State November 15, 1996.

96-617
 PROJECT RED RIBBON

Whereas, drunk drivers cause millions of dollars of damage and immeasurable amounts of personal pain and suffering throughout the country including the State of Illinois; and

Whereas, during the upcoming holiday season, there will be an increased opportunity for drinking and driving, and

Whereas, Project Red Ribbon is a nationwide project of Mothers Against Drunk Driving in which motorists are asked to attach a red ribbon to their automobile as a visual reminder to not drink and drive; and

Whereas, local chapters of Mothers Against Drunk Driving and MADD-Illinois are sponsoring Project Red Ribbon in an attempt to reduce the number of drunk drivers in the State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 25, 1996-January 1, 1997, as PROJECT RED RIBBON in Illinois.

Issued by the Governor November 13, 1996.
 Filed by the Secretary of State November 15, 1996.

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ISSUES INDEX

December 2, 1996

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